



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

PETITION NO. 37 OF 2019

**THE MATTER OF ARTICLES 1, 2, 3, 10, 73, 124, 159, 165, 179,
196, 232 AND 259 OF THE CONSTITUTION OF KENYA**

AND

**IN THE MATTER OF SECTIONS 3, 4, 7, 8 AND 9 OF THE
LEADERSHIP AND INTERGRITY ACT NO. 19 OF 2012**

AND

**IN THE MATTER OF SECTIONS 30(2) AND 35 OF THE
COUNTYGOVERNMENTS ACT, 2012 (ACT NO. 17 OF 2012)**

AND

**IN THE MATTER OF SECTIONS 4, 5, 10 OF THE PUBLIC
SERVICE (VALUES AND PRINCIPLES) ACT, 2015**

AND

**IN THE MATTER OF SECTIONS 8, 10 AND 11 OF THE PUBLIC APPOINTMENT
(COUNTY ASSEMBLY APPROVAL) ACT NO. 5 OF 2017**

BETWEEN

GEORGE OCHIENG.....PETITIONER

VERSUS

GOVERNOR, COUNTY GOVERNMENT OF SIAYA.....1ST RESPONDENT

COUNTY GOVERNMENT OF SIAYA.....2ND RESPONDENT

SPEAKER, COUNTY ASSEMBLY OF SIAYA.....3RD RESPONDENT

COUNTY ASSEMBLY OF SIAYA.....4TH RESPONDENT

AND

DR. ELIZABETH A. ADHIAMBO.....1ST INTERESTED PARTY

JAOKO OBURU ODINGA.....2ND INTERESTED PARTY
ENG. ADRIAN OUMA.....3RD INTERESTED PARTY
DISMAS OMONDI WAKLA.....4TH INTERESTED PARTY
GEORGE MISORE.....5TH INTERESTED PARTY
BENHARD O. MBOHA.....6TH INTERESTED PARTY
CHARLES ODUOR OGADA.....7TH INTERESTED PARTY
DOROTHY OWINO.....8TH INTERESTED PARTY

RULING OF THE COURT

1. I have on my own motion perused the pleadings herein as filed and the prayers sought in the Petition and application dated 13.8.2019 and I am persuaded that the Court with competent jurisdiction to hear and determine the predominant issues in the Petition and in the application is the Employment and Labour Relations Court. This is so in view of **Articles 162(2) (a), 165(5)(b) of the Constitution and Section 12(2) and (7) of the Employment and labour Rations Court Act.**
2. Albeit some of the questions raised in the petition are cross cutting and therefore this Court does share jurisdiction with the Court of equal status, I must on the understanding that the main issues are Employment and Labour Relations, down my tools and direct that this file be placed before the Employment and Labour Relations Court at Kisumu for hearing and final determination.
3. Accordingly this Petition is wholly withdrawn from Siaya High Court and placed before the Employment and Labour Relations Court (ELRC) at Kisumu forthwith for further directions and actions mention on 16.10.2019 at Kisumu ELRC.

Dated, signed and delivered at Siaya this 18th September, 2019.

R.E. ABURILI

JUDGE