



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

JUDICIAL REVIEW NO. 18 OF 2012

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW FOR ORDERS OF
MANDAMUS**

IN THE MATTER OF JUDGMENT IN NAKURU HCCC NO. 65 OF 2006

BETWEEN

SIMON P. KAMAU & 19 OTHERS.....PLAINTIFFS/RESPONDENTS

VERSUS

TEACHERS SERVICE COMMISSION.....DEFENDANT/APPLICANT

IN THE MATTER OF

REPUBLIC.....APPLICANT

VERSUS

THE DIRECTOR, PENSIONS DEPARTMENT.....RESPONDENT

EX-PARTE

SIMON P. KAMAU AND 19 OTHERS.....SUBJECTS

VERSUS

THE DIRECTOR, PENSIONS DEPARTMENT.....RESPONDENT

RULING

1. This court made an order on the 20th February 2015 and directed the Ag. Inspector-General to apprehend and escort the TSC Secretary General Gabriel Lengoiboin to Kamiti Prison for detention for a period of six months in conformity with court orders issued on the 16th May, 2014.

2. An affidavit of service filed in this court on the 2nd March, 2015 shows that the court order was duly served at the Office of the Inspector- General and duly stamped on the 26th February, 2015.

The court has been informed that the TSC Secretary, Mr. Gabriel Lengoiboin has not been arrested. No reasons have been give at all on why this was not done, or if there are any difficulties if at all faced by the Ag. Inspector General to arrest the said TSC Secretary. Both Advocates for the Attorney-General and TSC Secretary General have not addressed the court on this.

In the circumstances, this court shall issue summons directed to the Ag. Inspector-General of Police, one Mr. Samuel Arachi to personally attend this court to show cause why the court orders issued and directed to him, have not been complied with. It must be re instated that court orders however unvalatable ought to be obeyed by all and sundry.

3. This court swore to do Justice and uphold the rule of law to all without fear or favour. In the absence of any explanation, I must do what the constitution mandates me to do.

4. I therefore direct that summons to issue directed to the Ag. Inspector- General Mr. Samuel Arachi to attend this court in person on the 12th March 2015 at 9.00 a.m. to show cause why the orders of this court have not been obeyed or can not be obeyed. A copy of the orders issued on the 20th February, 2015 be attached to the summons to be issued.

It is so ordered.

Dated, signed and delivered at Nakuru this 2nd day of March, 2015

JANET MULWA

JUDGE

Ruling read and signed in open court in the presence of:

Kimata for Applicants

Situma with Wachira for Contemptnor

Nguyo for Attorney-General

Court clerk - Omondi