



**Chirchir & 39 others v West Pokot County Government & 2 others
(Employment and Labour Relations Cause E001 & E002 of 2023
(Consolidated)) [2025] KEELRC 2858 (KLR) (16 October 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2858 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KITALE
EMPLOYMENT AND LABOUR RELATIONS
CAUSE E001 & E002 OF 2023 (CONSOLIDATED)**

MA ONYANGO, J

OCTOBER 16, 2025

BETWEEN

DOREEN JEMOSOP CHIRCHIR & 39 OTHERS & 39 OTHERS CLAIMANT

AND

WEST POKOT COUNTY GOVERNMENT 1ST RESPONDENT

COUNTY SECRETARY, WEST POKOT 2ND RESPONDENT

**COUNTY PUBLIC SERVICE BOARD WEST POKOT COUNTY 3RD
RESPONDENT**

RULING

1. Vide an application dated 26th February, 2024, the Claimants sought orders as follows:
 - a. This application be certified as urgent and be heard ex-parte in the first instance and service be dispensed with forthwith.
 - b. Pending the hearing and determination of this application inter-partes a temporary injunction be and is hereby issued staying the declaration of vacancies which closes on 28th February 2024.
 - c. Pending the hearing and determination of this application inter-partes a temporary injunction be and is hereby issued restraining the 3rd Respondents, their agents, servants and any person whatsoever from conducting interviews and/or recruiting new employees vide the declaration of vacancies which closes on 28th February 2024.
 - d. Pending the hearing and determination of this application inter-partes a temporary injunction be and is hereby issued restraining the Respondents, their agents, servants and any person



whatsoever from declaring a vacancy in the offices of the Claimants, advertising out any interviews and/or recruiting or employing any person to replace the Claimants.

- e. Pending the hearing and determination of this Claim this Honourable court be pleased to issue a temporary injunction restraining the Respondents, their agents, servants and any person whatsoever from terminating and/or demoting the Claimants from their current positions as employees of the 1st Respondent.
 - f. Pending the hearing and determination of this Claim this Honourable court be pleased to issue a temporary injunction restraining the Respondents, their agents, servants and any person whatsoever from declaring a vacancy in the offices of the Claimants, advertising out any interviews and/or recruiting or employing any person to replace the Claimants.
2. On 27th February, 2024 this court made orders as follows:
 - i. That the application be and is hereby certified urgent and fixed for inter partes hearing on 11th April 2024.
 - ii. That the respondents, their agents, servants or any person acting on their behalf are restrained from filling any of the positions held by the applicants or in any other way interfering with their employment contracts pending the inter parties hearing of this application.
 - iii. That the respondents to be served and to file their response to the application within 14 days from the date of service.
 3. On 28th May, 2024 the court made further orders as follows:
 - i. That; the Respondent to file affidavits by heads of departments in which the claimants are deployed to confirm that they have been given work in their respective positions and offices and that they are earning salary with proof of both deployment and allocation of work and payment of salary before any further directions by this court.
 - ii. That; the recruitment ongoing be and are hereby suspended until the respondents confirms that the claimants have been deployed, allocated work and paid.
 - iii. That; further mention on 25/06/2024.
 4. At the time of making the orders the Applicants were all in employment albeit on fixed term contracts. It is not in dispute that the contracts of the Claimants have since lapsed. Specifically, the Claimants were employed on 2 or 3 year contracts beginning 1st May, 2022. The contracts therefore lapsed by effluxion of time either on 1st May, 2024 or 1st May, 2025. Copies of the contracts are annexed to the Claimants' list and bundle of documents filed with the claims.
 5. On 24th September, 2025 Mr. Magal appearing for the Respondent made an oral application seeking the vacation of the orders dated 26th February, 2024 and 28th May 2024. The same was opposed by Mr. Yego, counsel for the Claimants on grounds that he needed time to take instructions from his clients.
 6. In view of the fact that the application was made orally without prior notice to the Claimant's counsel, the court deferred the issue and fixed the suit for mention the following day, the 25th, September, 2025.
 7. On 25th September, 2025 when the issue came up for mention Mr. Yego insisted that the Respondent's counsel make a formal application but this was overruled by the court as all the necessary information was on record to enable the court make a determination of the oral application without recourse to a formal application.



8. The court further took into account the numerous applications that had been filed by the parties which had caused the suit herein to stagnate in court from February, 2023 when it was filed.
9. I have considered the pleadings and documents on record. There is no doubt that the Claimants were all employed on 2-year or 3-year fixed term contracts in 2022 which have all since lapsed.
10. The orders referred to were made to preserve the employment of the Claimants which were at the material time subsisting and in force, and which were threatened by notices of termination issued by the Respondents.
11. The contracts having lapsed, there is no longer any reason for the said orders whose purpose has since lapsed.
12. The Claimants are not going to be prejudiced in any way by the vacation of the orders as their interests in the suit before the court is still capable of being determined without the said orders and do not depend on the subsistence of the orders.
13. For the forgoing reasons the court vacates the orders dated 26th February, 2024 restraining the Respondents from filling any of the positions which at the material time were held by the Claimants, and the orders dated 28th May 2024 suspending the recruitments that were to be undertaken by the Respondents pursuant to the declaration of vacancies which closed on 28th February 2024 as set out in the application of the Claimants dated 26th May, 2024.
14. Orders accordingly.

DATED, DELIVERED AND SIGNED THIS 16TH DAY OF OCTOBER, 2025.

M. ONYANGO

JUDGE

