



**Geofrey v National Police Service & 2 others (Employment and Labour Relations  
Petition E106 of 2025) [2025] KEELRC 3000 (KLR) (30 October 2025) (Judgment)**

Neutral citation: [2025] KEELRC 3000 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
EMPLOYMENT AND LABOUR RELATIONS PETITION E106 OF 2025**

**MN NDUMA, J**

**OCTOBER 30, 2025**

**BETWEEN**

**MARTIN PAUL GEOFREY ..... PETITIONER**

**AND**

**THE NATIONAL POLICE SERVICE ..... 1<sup>ST</sup> RESPONDENT**

**THE INSPECTOR GENERAL OF POLICE ..... 2<sup>ND</sup> RESPONDENT**

**THE DIRECTOR, DIRECTORATE OF CRIMINAL INVESTIGATION .... 3<sup>RD</sup>  
RESPONDENT**

**JUDGMENT**

1. The Petitioner is a serving Police Officer and currently attached to Directorate of Criminal Investigation (DCI) Headquarters, Anti-Abductions Unit.
2. The Petitioner was enlisted to Police Service on 6<sup>th</sup> October, 2008 and has served diligently with a clean record. He has served in the counties of Isiolo and Mandera.
3. The Petitioner was later transferred to Nairobi and posted to Buruburu Police Station.
4. The Petitioner says, he was irregularly transferred to Mandera at the instigation of one Sargent Sheila Kipsoi who works at the Anti-Narcotics Unit.
5. The Petitioner was later transferred to Kiambu County, at Gatundu Police Station and subsequently Mugutha Police Station where he worked until 27<sup>th</sup> February 2025 when he was transferred to the DCI Headquarters Kiambu Road.
6. That the transfer to DCI Headquarters followed an application and interview in which he did well.
7. That he has served at DCI Headquarters for about three (3) months only and is being transferred to the Anti-stock Theft Unit to which he objects and came to court.



8. The Petitioner states that under Chapter 72 paragraph 6(2) of the National Police Service standing orders (NPS – SO) in order to be considered for a transfer, an officer shall serve in a duty station continuously for at least one year and a maximum period of three years.
9. That it is unlawful and unfair to transfer him to DCI only after serving for 3 months.
10. The Petitioner states that this transfer has been instigated again by Sgt. Sheila Kipsoi, who he had met at DCI at the canteen one month after joining DCI Headquarters and four (4) days later after this interaction with Sgt. Sheila Kipsoi, he was called by his supervisor and questioned about circumstances that led to his transfer from Buruburu Police Station.
11. The Petitioner states that he disclosed to his superiors that sometimes in 2016 he had been wrongly accused by the said Sgt. Sheila Kipsoi and charged in Milimani Magistrates court in Criminal Case No. 1381 of 2016. That he was acquitted but was then immediately transferred from Buruburu Station to Mandera.
12. The Petitioner said that he worked well at DCI Headquarters and had no issues and that he should be transferred only after due process is followed as laid down in Article 246 of *the Constitution* of Kenya 2010 as read with Chapter 72 of the Standing Orders.
13. That the transfer to the Anti-stock Unit is irregular. That his family stands to suffer due to the many transfers at short notice and is forced to move his children from one school to another causing disruption to the education and family life.
14. That the transfer constitutes a violation of his constitutional rights under Articles 10(2), 24, 27, 41 and section 46 of the *National Police Service Act*, 2011 read with Regulation 5(6) of National Police Service Commission (Transfer and deployments) Regulations 2015 which provides that transfers be made in a fair, transparent and objective manner which the Respondents have failed to observe.

The Petitioner prays for the following reliefs:-

- a. A declaration that the repeated transfers amount to harassment of the Petitioner and violation of Articles 10(2)(b), 27, 28, 41 and 46 of *the Constitution*.
  - b. A declaration that the transfer of the Petitioner to the Anti-stock Theft Unit is unlawful, irregular and in violation of Article 10(2)(b) and 246(3)(e) of *the Constitution* of Kenya 2010 as read with section 46 of the *National Police Service Act* Regulation 3, 4 and 5 of National Police Commission (Transfers and Deployments) Regulation, 2015 and Chapter 72 of the National Police Standing Orders.
  - c. An order of certiorari quashing the unlawful transfer of the Petitioner and reinstating him to his current position at the DCI.
  - d. An order restraining the Respondent from further torture, harassing, victimizing or subjecting the Petitioner to unfair Labour practices without justifiable cause and due process.
  - e. An award of general damages for violation of the Petitioner's constitutional rights.
  - f. Costs of the suit.
15. The application and petition were served on 19<sup>th</sup> June 2025 and there is a return of service dated 28/7/2025 filed on the same date.
  16. The Respondents did not file a response to the application and petition.



17. The court directed the Petitioner to file written submissions which the Petitioner proceeded to do.
18. The Petitioner states that the transfer from DCI after only 3 months and having previously been transferred from one station to another is unreasonable, unfair labour practice and unfair administrative action in violation of Articles 41(1) and 47(1) of *the Constitution*.
19. That same violates express provisions of Article 246(3)(e) of *the Constitution*; Chapter 72 paragraph 6(12) of (NPS-SO) which provides that officers shall serve in a duty station continuously for at least one year.
20. The Petitioner relies on the case of Republic versus Deputy Inspector General of National Police Service and 2 others Exparte PC Stephen Mathenge [2015] KEHC 5948 KLR where the court held as follows:-
  - “(22) To transfer a public officer without taking into account his family obligation not only affects the officer but his family as well such as the right to education as enshrined under Article 43 of *the Constitution*.
  - (23) By failing to consider the foregoing I find that the Respondent’s decision was irrational. Whereas the Applicant could properly be transferred from one station to another such transfer ought to have taken into account all relevant factors including family obligation and its protection. It is my view that this was meant to be achieved by the relevant force standing orders.”
21. In Namu versus National Police Service Commission and 2 others ELRC Petitioner E005 of 2023, it was further held.
  - “However, the frequent deployment which do not allow an officer to settle down to his new station in my view amount to unfair labour practices. The deployment also do not recognize and protect the Petitioner’s family and are in fact adversely affecting the education of the Petitioner’s minor children who are school going.”
22. It is the finding of the court in this matter that the intended transfer of the Petitioner upon being transferred to DCI Headquarters three months before and considering the past frequent transfers meted on the Petitioner prior to his deployment to DCI Headquarters, is irrational, unfair and a violation of National Police Service Standing Order 6(2) which provides that “an officer shall serve in duty station continuously for at least one year.
23. The court finds that the manner in which the Petitioner has been frequently deployed and transferred suggests that the transfer is being used as a disciplinary manner, which should not happen. Such conduct violates Articles 41(1) and 47(1) of *the Constitution* and therefore does not only constitute unfair Labour practice but also amounts to unfair administrative action.
24. If the National Police Service has any issue with the discipline or performance of the Petitioner or any police officer for that matter, transfer is not the go to measure. This, if frequently done, as is the case with the Petitioner, amounts to harassment, not only to the officer but also to his family with psychological, financial and educational implication on the officer and his family who in this case are school going children.
25. Accordingly, the court finds that the undefended petition has merit and grants the reliefs prayed for as follows:



- a. A declaration is issued that the transfer of the Petitioner to Anti-Stock Theft Unit is unlawful, irregular and in violation of Article 10(2) 41(1) and 47(1) of *the Constitution* of Kenya 2010 as read with paragraph 6(2) of the National Police Service Standing Orders.
  - b. An order of certiorari is issued quashing the said unlawful transfer of the Petitioner from DCI Headquarters to the Anti-Stock Theft Unit having only been at the DCI Headquarters for a period of 3 months only.
  - c. The Respondents to pay the costs of the petition.
26. For the avoidance of doubt, other orders sought by the Petitioner are not merited and have not been granted.

**DATED AT NAIROBI THIS 30<sup>TH</sup> DAY OF OCTOBER 2025.**

**MATHEWS NDUMA**

**JUDGE**

Appearance:

Mr. Olao Advocate for the Petitioner

Mr. Kemboi – Court Assistant

