



Kenya County Government Workers Union v County Government of Machakos & another (Petition 23 of 2017) [2025] KEELRC 2984 (KLR) (30 October 2025) (Ruling)

Neutral citation: [2025] KEELRC 2984 (KLR)

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

PETITION 23 OF 2017

S RADIDO, J

OCTOBER 30, 2025

**IN THE MATTER OF VIOLATION OF ARTICLES 10, 22, 28, 41(1) AND (2),
48, 232 AND 236 OF THE CONSTITUTION OF THE REPUBLIC OF KENYA**

AND

IN THE MATTER OF SECTIONS 5, 9, 10 AND 37 OF THE EMPLOYMENT ACT CAP 226

AND

IN THE MATTER OF SECTION 61(3) OF THE COUNTY GOVERNMENTS ACT

AND

**IN THE MATTER OF AN APPLICATION BY THE
COUNTY GOVERNMENT WORKERS' UNION**

BETWEEN

KENYA COUNTY GOVERNMENT WORKERS UNION PETITIONER

AND

COUNTY GOVERNMENT OF MACHAKOS 1ST RESPONDENT

MACHAKOS COUNTY PUBLIC SERVICE BOARD 2ND RESPONDENT

RULING

1. In a Ruling delivered on 12 June 2025, the Court found the County Secretary, County Government of Machakos and the Chairperson of the County Public Service Board, Machakos, guilty of contempt of court and directed that summons issue for them to attend Court on 22 September 2025 for mitigation and sentencing.
2. When the Petition was called out on 22 September 2025, a Mr Mutua introduced himself as the advocate for the Respondents/contemnors. He requested the Court to allow them an opportunity to



settle the decretal sums in 2 instalments. Mr Oketch, for the Petitioners, informed the Court that the said Mr Mutua had not formally placed himself on the record.

3. The Court directed the Respondents/contemnors to file and serve responses and submissions within 7 days.
4. Mr Mutua did not place himself on record. The Respondents/contemnors did not file any responses or submissions in mitigation.
5. The record shows that the Respondents/contemnors have not satisfied the judgment delivered on 19 June 2020. The contemnors failed to utilise the opportunity granted them to mitigate. There is nothing on record to suggest that any payments have been made after 22 September 2025.

Orders

6. In light of the above, the County Secretary, County Government of Machakos and the Chairperson, County Public Service Board, Machakos are sentenced to 3 months imprisonment each or such shorter term as when the decretal sums would have been settled.
7. The Petitioners to have costs.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 30TH DAY OF OCTOBER 2025.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For Petitioner James Oketch & Co. Advocates

For Respondents did not file responses

Court Assistant Wangu

