



Wachinga v Kenya Reinsurance Corporation Limited (Cause E915 of 2025) [2025] KEELRC 2880 (KLR) (23 October 2025) (Ruling)

Neutral citation: [2025] KEELRC 2880 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E915 OF 2025
S RADIDO, J
OCTOBER 23, 2025**

BETWEEN

HILLARY WACHINGA CLAIMANT

AND

KENYA REINSURANCE CORPORATION LIMITED RESPONDENT

RULING

1. Hillary Wachinga (the Claimant) sued Kenya Reinsurance Corporation Ltd (the Respondent) on 22 September 2025, alleging violation of his constitutional rights in respect to disciplinary proceedings.
2. At the same time, the Claimant filed a Motion seeking orders:
 - i. ...
 - ii. ...
 - iii. Pending the hearing and determination of this Cause, this Honourable Court be pleased to restrain the Respondent by way of temporary injunction from proceeding with the intended disciplinary hearing against the Claimant scheduled for 23rd September 2025 or any disciplinary proceedings against the Claimant or interfering in any way with the Claimant's continued employment.
 - iv. This Honourable Court does make any such further orders and issue any other relief it may deem fit to grant in the interest of justice.
 - v. The costs of this application be provided for.
3. The grounds in support of the Motion were in brief that the Claimant had received suspension and show cause letters on 2 September 2025 and 3 September 2025; the letters were contradictory because of indicating investigations were to be carried out and the other instituting disciplinary



process; the letters did not attune with the Respondents Human Resources Policies; the Respondent had not provided the Claimant with an investigations report; the Respondent invited the Claimant to a disciplinary hearing before he could give a comprehensive report; the disciplinary process was in bad faith and risked violating the Claimants rights to fair hearing, fair labour practices and fair administrative action.

4. When the Motion was placed before the Court ex-parte, it issued certain directions and also granted a stay of the disciplinary process.
5. The Claimant filed his submissions on 24 September 2025.
6. The Respondent caused a replying affidavit to be filed on 6 October 2025 wherein it was deponed that in April 2025, upon a report from the Claimant, disciplinary action was started against 2 employees; the Claimant was tasked to conduct investigations and report to the Board within 72 hours but failed to do so; on 1 August 2025, the Claimant was reminded to continue with investigations and report back; the Claimant made a recommendation to terminate the 2 employees before they had responded; the Claimant gave instructions for the termination of the 2 employees contracts without involving the Board; that because of the happenings, the Respondent resolved on 2 September 2025, to commence disciplinary action against the Claimant for not complying with its instructions and a show cause was issued; the Claimant was also suspended to facilitate investigations; the show cause and suspension letters were not contradictory; the Claimant sought for more information which was shared with him; the Claimant requested for more and was allowed more time and that on 12 September 2025, the Claimant admitted failing to obey instructions of the Board and was invited to a disciplinary hearing on 23 September 2025, but the hearing was interdicted by the Court.
7. The Respondent filed its submissions on 6 October 2025.
8. When the parties appeared for a hearing on the Motion on 7 October 2025, the Court gave further directions and reserved the Ruling to 23 October 2025.
9. However, on 8 October 2025, the Claimant filed a Notice to Withdraw the Motion dated 22 September 2025 and the Cause.

Orders

10. In light of the Notice of Withdrawal dated and filed in Court on 8 October 2025, the Court marks the Cause as withdrawn.
11. Costs follow the event. The Notice did not advert to the question of costs. The Court is not aware of the subsisting relationship between the parties.
12. In the circumstances, the Court leaves the question of costs to agreement by the parties.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 23RD DAY OF OCTOBER 2025.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For Claimant RONN Law Advocates LLP

For Respondent Munyao Muthama & Kashindi Advocates

Court Assistant Wangu

