

REPUBLIC OF KENYA
IN THE EMPLOYMENT & LABOUR RELATIONS COURT
AT NAIROBI
JUDICIAL REVIEW APPLICATION NO. E014 OF 2025

(Before Hon. Lady Justice Hellen Wasilwa, J)

REPUBLIC.....
APPLICANT

VS

PRINCIPAL SECRETARY STATE

DEPARTMENT FOR ROADS.....1ST
RESPONDENT

DIRECTOR HUMAN RESOURCE STATE

DEPARTMENT FOR ROADS.....2ND
RESPONDENT

CHIEF MECHANICAL ENGINEERING

STATE DEPARTMENT FOR ROADS.....3RD
RESPONDENT

ATTORNEY GENERAL.....4TH
RESPONDENT

AND

KENNEDY MOGUCHE MOGEREEX-PARTE
APPLICANT

RULING

- 1 On 13/11/2025 the court was set to sentence the contemnor in this case for contempt. The respondent sought to have the applicant cross examined by them

again to establish that they had not committed any acts of contempt.

- 2 During cross examination , the applicant indicated that though he had not been transferred from Kajiado as per the orders of this court, he had since been demoted as another officer had been transferred to Kajiado to take up his duties and he was now designated a deputy when he had been the county head of Kajiado before.
- 3 The applicant contends that despite the applicant still being in Kajiado, the respondents sought to circumvent the court orders by demoting the applicant and taking away his duties. This position is confirmed by the establishment in cross examination and in response cross examined that indeed one Kimiriny Oloishuro was posted to Kajiado to take over the responsibilities of the station from the applicant Kenney Moguche which is indeed a subversion of the court order which was specific that the applicant should not be transferred.
- 4 The posting of another officer to take up his position is indeed a transfer on its own to circumvent the orders of the court and for which I direct the respondent to make good to avoid punishment from this court. Costs in the application.

**Dated, Signed and Delivered Virtually at Nairobi this 17th
Day of November 2025.**

HELLEN WASILWA

JUDGE

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