



Kinyua v Secretary General, Kenya Union of Post Primary Education Teachers (KUPPET) & another (Employment and Labour Relations Petition E095 of 2025) [2025] KEELRC 3753 (KLR) (18 December 2025) (Judgment)

Neutral citation: [2025] KEELRC 3753 (KLR)

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS PETITION E095 OF 2025
MN NDUMA, J
DECEMBER 18, 2025

BETWEEN

ANTHONY NDEGWA KINYUA PETITIONER

AND

THE SECRETARY GENERAL, KENYA UNION OF POST PRIMARY EDUCATION TEACHERS (KUPPET) 1ST RESPONDENT

THE REGISTRAR OF TRADE UNIONS 2ND RESPONDENT

JUDGMENT

1. The judgment in this matter is in respect of Petition No. E095 of 2025. The decision will serve as a test suit in respect of Petition E059 of 2025 which was placed in abeyance pending the hearing and determination of Petition E095.
2. The court excluded Petition E019 of 2025 to be subjected to the test decision the court having been informed and found that Petition E019 OF 2025 was pending hearing and determination before Wasilwa J. Nairobi, Petition E095 OF 2025 was initially filed at Nyeri, ELRC, as Petition E005 OF 2025.
3. The matter was handled by Onesmus Makau who issued conservatory orders on 25th March 2025 and subsequently transferred the suit to Nairobi ELRC.
4. On 25th March 2025, the court per Onesmus Makau J. issued conservatory orders stopping the implementation of the amended KUPPET Constitution which orders were extended on 18th June 2025 by Nduma Nderi J. pending the hearing and determination of this petition.



5. The petition filed on 25th March 2025 and dated 21st March 2025 by one Anthony Ndegwa Kinyua is against the Secretary General, Kenya Union of Post Primary Education Teachers (KUPPET), 1st Respondent and Registrar of Trade Unions, 2nd Respondent.
6. The Petitioner states that he is a member of the Kenya Union of Post Primary Education Teachers (KUPPET).

Facts of the Petition

7. That on or about 20th December 2024, KUPPET held its Annual Delegates Conference (ADC) in Vihiga County during which ADC a series of amendments to the KUPPET Constitution were made.
8. The amendments included: -
 - a. The imposition of significantly increased nomination fees for candidates seeking leadership positions in the union.
 - b. Changes to the retirement age of union officials by removing the mandatory retirement age cap.
 - c. Revisions to the delegate representation structure by introducing a pro-rata system that purportedly aimed to balance representation based on membership numbers.
 - d. Additional provisions expanding the number of executive officers in the union.
9. The Petitioner states that the amendments were made in a process that was visited by serious procedural flaws and irregularities including the following:
 - (a) Lack of proper notices and public participation: -Article 25(iv) of the KUPPET constitution requires that notices of motion to amend *the constitution* must be circulated to all branches at least three months prior to the ADC to ensure that members have sufficient time to review, discuss and provide input on the proposed amendments. The Petitioner contend that no such notices were issued to members in their respective branches, thereby denying them the opportunity to participate meaningfully in the amendment process.
 - (b) Voting irregularities and manipulations: -Article 25(v) of the KUPPET constitution and section 34(2) of the *Labour Relations Act* require that constitutional amendments be adopted through a transparent voting process with each amendment requiring the support of at least two thirds majority of the total votes cast. Contrary to these provisions, the Petitioners allege that the amendments were passed by acclamation instead of through a secret ballot, thereby compromising the transparency, accountability and fairness of the voting process. Additionally, several legitimate delegates were reportedly locked out of the ADC venue, while non-members wearing KUPPET t-shirts were unlawfully allowed to participate in the voting process, further undermining the credibility and legitimacy of the amendments
 - c. Intimidation and coercion of delegates: -During the ADC, the Petitioners and other delegates faced intimidation and coercion from hired individuals posing as security personnel. These individuals allegedly created a hostile environment that made it impossible for delegates to express dissent or vote freely on the proposed amendments. Requests by some delegates for the voting to be conducted through a secret ballot were ignored by the National chairman, as evidenced by video recordings and other documented reports.

SUBPARA d. Discriminatory and exclusionary provisions in the amended constitution: -The Petitioner's further contend that the substance of the amendments is discriminatory, exclusionary



and unconstitutional and specifically; SUBPARA i. Excessive and unreasonable nomination fees The amended constitution imposes exorbitant nomination fees on candidates seeking leadership positions, including Kshs. 500,000 for the position of secretary general, Kshs. 300,000 for other national Executive Board (NEB) offices, Kshs. 200,000 for Branch Executive Secretary and Kshs. 100,000 for other branch-level positions. These fees represent a significant financial barrier for ordinary members, particularly those from marginalized and economically disadvantaged backgrounds, thereby limiting their right to participate in the union's leadership and governance.

- e. Removal of the mandatory age cap: -The amended constitution removes the mandatory retirement age for union officials thereby allowing incumbents to remain in office indefinitely. The change undermines democratic principles by fostering stagnation in leadership and reducing opportunities for younger members to assume leadership roles.
 - f. Pro-rata delegate representation system: -The revised delegate representation structure introduces a pro-rata system that purportedly aims to balance representation based on membership numbers. However, the Petitioners contend that the system lacks transparency, accountability and clear criteria for electing additional delegates, thereby disadvantaging smaller branches and marginalized members.
10. That following the ADC, many KUPPET members submitted formal objections to the proposed amendments in view of the stated flaws.
 11. That 2nd Respondent, by a letter dated 8/2/2024 acknowledged having received the objections and noted that the same raised serious procedural and substantive issues, including violations of section 34(2) of the *Labour Relations Act*, 2007 which prohibits discriminatory practices in trade union elections.
 12. That the Registrar expressly stated that she could not proceed with the registration of the amended constitution unless and until the objections were addressed and resolved by KUPPET.
 13. That contrary to the assurance by the Registrar, aforesaid, the Registrar proceeded to approve and register the amended KUPPET constitution on or about 13/3/2025 and issued a certificate of altered constitution. That the Registrar did not offer any explanation or justification for the sudden change of mind. (Emphasis added)
 14. The Petitioner states that the action by the 1st and 2nd Respondents violate his right and that of the members of the union under the following Articles of *the Constitution*:
 1. Article 19: which entitles all persons to the full enjoyment of the rights and fundamental freedoms enshrined in the Bill of Rights including the right to fair labour practices, equality, non-discrimination, public participation and fair administrative action which were violated by the 1st Respondent.
 2. Article 10 which enshrines public participation, inclusivity, transparency and accountability as key values which the 1st Respondent failed to observe.
 3. Article 27 which guarantees every person the right to equality and freedom from discrimination which the 1st Respondent violated by imposing exorbitant fees for members to vie for union positions in the amendments as it is discriminatory and exclusionary as it disproportionately favours wealthy members and incumbents while barring ordinary members particularly those from marginalized backgrounds from vying for leadership positions. That this amounts to economic discrimination which violates the members right to equal participation in union activities.



4. Article 41 which guarantees all persons the right to fair labour practices and the right to participate in the affairs of a trade union which right was violated and curtailed by the restrictive nomination fees, failure to follow a transparent voting process and intimidating delegates during the ADC and by so doing undermined the democratic structure of the union.
5. Article 47 which guarantees any person the right to administrative action that is lawful, reasonable and procedurally fair which right was violated by the 2nd Respondent by approving amendment that she had acknowledged in writing were made pursuant to a flawed process including violation of section 27 and 34 of the [Labour Relations Act](#), 2007.

SUBPARA - Statutory violation

6. Section 27 of the LRA which provides that trade union constitution may only be amended vide a fair and democratic process which includes consultation with members, issuance of proper notices and an opportunity for objections to be heard and considered. That the 1st Respondent did not follow any of the above mandatory requirements.
7. Section 34(2) of LRA which prohibits trade unions from adopting discriminatory electoral process that restrict members right to contest for leadership positions. This was grossly violated by the inordinate increase of fees for a member to be nominated to vie for an elective position.
8. Violation of Petitioner's legitimate expectation in that the 1st and 2nd Respondents violated the Petitioner's legitimate expectation that the 1st Respondent would follow the law in implementing any changes to the union constitution and the 2nd Respondent would adhere to her written promise not to approve the amendments achieved vide a flawed process.

SUBPARA - The Petitioner prays for the following reliefs:

1. A declaration that the amendments to the Kenya Union of Post-Primary Education Teachers Union (KUPPET) constitution approved and registered by the 2nd Respondent, the Registrar of Trade Unions on or about 13th March 2025, are unconstitutional, illegal, null and void.
2. An order of certiorari quashing the certificate of altered constitution issued by the 2nd Respondent on 13th March 2025, which is unconstitutional, illegal, null and void.
3. An injunction restraining the 1st Respondent, its agents, officials, or representatives, from implementing or enforcing the amended provisions of the KUPPET constitution.
4. An order directing the 1st Respondent to convene a fresh, transparent and inclusive amendment process, in compliance with the KUPPET constitution, the [Labour Relations Act](#) and [the Constitution](#) of Kenya, 2010. This process should involve the issuance of proper notices, genuine public participation and transparent voting procedures.
5. A declaration that the imposition of excessive nomination fees under the amended KUPPET constitution is discriminatory, exclusionary and in violation of Articles 27, 41 and 47 of [the Constitution](#) of Kenya.
6. An order directing the 1st Respondent to review and revise the nomination fees for leadership positions in the union to ensure that they are reasonable, fair and do not constitute a barrier to participation by ordinary members.
7. An order of mandamus compelling the 2nd Respondent to ensure that any future amendments to the KUPPET constitution comply with the procedural requirements set out in the



Labour Relations Act, including the principles of transparency, accountability and public participation.

8. A declaration that the 2nd Respondent's action of approving the amendments despite acknowledging serious objections was procedurally unfair, unreasonable and a violation of Article 47 of the constitution.
9. Costs of the petition to be borne by the 1st and 2nd Respondents jointly and severally.
15. The petition is supported by an affidavit of the Petitioner which deposes to the violations set out in the petition and have attached supporting documents including the certificate of alteration of KUPPET constitution dated 13/3/2025 signed by the Registrar of Trade Union, Ann Kanake.

1st Respondent's grounds of opposition

16. The 1st Respondent filed grounds of opposition to the petition dated 3/4/2025 in which it states that the petition is frivolous, defective, bad in law and should be dismissed with costs to the 1st Respondent. That the Petitioner is forum shopping in this court as similar suits have been filed in Nairobi and Nakuru counties on the same subject matter. That the union complied with section 27 of LRA in amending the union's constitution.
17. That the suit is an abuse of the court process since persons aggrieved by a decision of the Registrar ought to have appealed against such decision in the Employment and Labour Relations Court in terms of section 30 of LRA.
18. That no evidence has been adduced by the Petitioner in support of alleged violations by the 1st Respondent. That the Secretary General of KUPPET is merely an official of the union and does not own it and so no cause of action arises against him.

Preliminary objection

19. Further, the 1st Respondent filed a notice of preliminary objection dated 3/4/2025 in which the following objections are raised:
 1. The petition must fail on account of the doctrine of constitutional avoidance as espoused in the Mutunga Rules, Annarita Karimi Njeru and Mumo Matemu cases.
 2. The petition offends the doctrine of exhaustion as the Petitioner has failed to adhere to section 30 of LRA which provides the mode of moving the court to challenge a decision of the Registrar of Trade Unions.
 3. The suit is equally sub judice Kisumu ELRC Petition No. E051 OF 2024; Nairobi ELRC Petition No. E044 of 2024; Nairobi ELRC Petition No. E019 of 2025 and Nairobi ELRC Petition No. E093 of 2024.
 4. That the instant suit merely serves to waste the court's time and it be dismissed with costs.

1st Respondent's Replying Affidavit

20. The 1st Respondent filed a replying affidavit to the petition sworn to by Moses Nthurima the Deputy Secretary General of the 1st Respondent.
21. The deponent reiterates the contents in the grounds of opposition and preliminary objection aforesaid.



22. The deponent states further, that contrary to the allegations in the petition, the 1st Respondent complied with the requirements of section 27 of LRA in making the impugned amendments and duly prepared a notice in Form 1 and presented it to the Registrar accompanied by relevant documentation. That the Registrar upon receipt of the notice in form I published a Gazette Notice inviting objection to the said amendments.
23. That the objections were raised by members and the Petitioner was not one of the objectors. That the objections were responded to by a letter dated 4/3/2025 detailing a robust response to the objection which letter is attached to the affidavit and marked 'MN3' as follows: -

4/3/2025

The Registrar of Trade Unions

NSSF Building, Block A, Bishops Road Upper Hill

O. Box 40326 – 00100

Nairobi

Dear Madam,

Re: Response To The Objections With Regards To Registration Of The Proposed Amendments/changes To Kuppet Constituion 2024

Reference is made to your letter dated 3/3/2025, which forwarded the objections received from the members with respect to the registration of the amendments/changes preferred/passed at the KUPPET Annual Delegates Conference held on 20th December 2024.

The National Executive Board has perused the objections and wish to proffer you as follows:

That it is true the union preferred amendments/changes to the union constitution which changes were submitted to the Annual Delegate Conference, the supreme organ of the union held on 20th December 2024 at Sosa Hotel in Vihiga County. The presentation was a culmination of rigorous public participation process that involved both teachers and the union leadership. The conference adopted the amendment with more than 2/3 of voting members present during the ADC satisfying the requirement of Article 25c of KUPPET constitution.

24. That Article 13.0(a)(vii) is hereby expunged to the extent that it is inconsistent with section 34(2)(a) of the *Labour Relations Act*.
1. Public participation: The Secretary General submitted the notice of motion on constitutional amendment to Branch Executive Secretaries via a memo dated 17th May 2023 requiring the branches to initiate the process of collecting views from members at the Branch General Assemblies. Annexed hereto marked MIN1 is the copy of the Notice of motion mobilizing teachers to give their views.
 2. Public participation was conducted among the teachers at the branch level pursuant to the notice of motion submitted by the Secretary General to the branches. Annexed hereto marked MIN2 to MIN3 are samples of minutes of Branch General Assemblies from the branches.
 3. Public participation was also conducted at various cluster meetings organized for branch leadership purposefully to collate views from the teachers at the grassroots. Annexed hereto marked MIN9 to MIN14 are annexures of samples of minutes and the attendance lists therein.



4. Online public participation involving delegates from across the country was undertaken in the month of March 2024. Annexed hereto marked MIN15 to MIN16B are the resolutions of the online meetings and WhatsApp deliberations thereto.
5. The secret balloting was conducted in conformity with Article 25(C) of the union constitution and the outcome of the voting being 402 delegates voted in support of the amendments while 19 delegates voted against the amendments with four (4) spoilt votes. Annexed hereto is a sample of the ballot papers marked MIN17.
6. That the allegation that non-members participated in the conference is unfounded since the national chairman called out the guests including representative of junior secondary school teachers, to leave the conference before the union business began.
7. That the allegation that delegates were intimidated by hired goons is unfounded. The Petitioners have not demonstrated that any delegate reported instances of harassment during the conference. Not a single member was excluded during the voting exercise.
8. That the claim that the nomination fees for union positions were discriminative does not arise since the input of public participation was taken into consideration.
9. The claim that the delegates were not allowed to vote for each amendment is a testimony that voting through secret ballot took place.
10. The issue of retirement age, which many of the Petitioners were concerned about is superfluous since it's not part of the amendments. Many issues were raised during the public participation process but the draft constitution contains only the amendments that were tabled at the ADC and passed by delegates.
11. Discriminatory nomination fees: That the cost of electioneering in union election is an expensive exercise. Members were unanimous that nomination fees should be increased to defray the costs of election materials, payment of venues, travel and logistics. The increased nomination fees were endorsed during the delegates conference.
12. The expansion of national and branch offices was meant to address diversities within the membership including gender balance, youth and people living with disabilities.
13. The introduction of Regional Councils was to cure representation gaps and to conform with national government structures which have offices at the regional level. The union's county leadership have had limited capacity to address regional teachers' issues.
14. The expansion of the office of Trustees: The growth of the union and the acquisition of proprieties across the nation called for a large oversight team in which respect every region needed a Trustee.
15. Criteria of the nomination of delegates: The nomination of delegates under the pro-rata system would be done democratically at the branch general assemblies where all members would be involved in the exercise. In any event, delegates nominated in accordance with the branch membership strength would cure discrimination against the majority.
16. Save for what is expressly admitted herein, all the allegations are denied in totality for being baseless.

Kindly, register the amendments as adopted by the Delegates Conference on 20th December 2024.



Sincerely,
Moses Nthurima
Acting Secretary General”

25. That the 2nd Respondent having reviewed the objections and the response thereto, proceeded to analyse the same and vide a letter dated 13/3/2025 concluded that the said objections were unsubstantiated. The said letter is attached to the replying affidavit and marked “MN4” in which the Registrar addressed all the concerns raised by various objectors with regard to the issue of public participation and concluded that “This office finds above supporting documentation from the union as sufficient prove of public participation.”
26. The Registrar addressed other objections as follows:

Retirement age

27. That the mandatory retirement age of union officials at the age of sixty-five (65) years has been retained in the amended constitution. That only the word “mandatory” was removed which the Registrar noted was not material as the clause still is coined with the “shall” wording.

Nomination fee

28. The Registrar noted that Article 14.0 previously provided for nomination fees as follows:
For national seats – Kshs 25,000.00
Branch Executive Secretary seats – Kshs. 50,000
Other Branch offices – Kshs. 10,000.00
The fees may be varied from time to time.”
That the clause was amended as follows:
Secretary General National Chairman and National Treasurer – Kshs. 500,000.00
Other national position – Kshs. 300,000.00
Executive Secretary – Kshs. 200,000.00
Branch Chairman and Branch Treasurer – Kshs. 100,000.00
Other Branch officials – Kshs. 50,000.00.
The Registrar concluded
29. Most important, the minutes provided to this office indicate that the members adopted the said proposal and that is what matters most.”
30. The fees were raised so as to defray the costs of costly electioneering in union elections.



Delegates Representation

30. Registrar added that objections were received with regard to changes made to clause 8.2.0(b) of the union constitution which previously provided: -

“Each county branch shall second (12) delegates for the Annual Delegates Conference all of whom must be bona-fide registered officials of the branches/three delegates for special conference.”

31. In the proposed amended constitution Article 8.2.0 (b)(i) was changed to read

Each county branch shall send fourteen (14) delegates being representative of between 1-300 members to the Annual Delegates Conference all of who must be bona fide registered officials of the branches

(ii) Delegates duly appointed at the Branch General Assembly being one delegate for every one hundred (100) over and above the 300 bona fide members registered in the membership register at such branch shall attend the Annual Delegates Conference.

(v) Voting on the draft constitution

32. The Registrar noted that some members had raised objection against the process of voting on the draft constitution with regard to Article 24(d) which provided in the current constitution that: -

“Proposed amendment to *the constitution* shall be declared adopted if supported by not less than two thirds of the total votes cast.”

33. The Registrar noted that some of the objectors acknowledged voting actually took place, but averred that the same was not by secret ballot. They said the National Chairman refused to respond to the request for secret ballot to determine 2/3 majority votes cast despite delegates raising it and captured in tape.

34. The Registrar noted that the union in their response stated that voting took place and the proposed constitution amendments were passed with more than 2/3 majority votes as required by *the constitution*.

35. The Registrar noted that, this assertion by the union was supported by copies of the ballot papers evidencing the voting. The Registrar said allegations of fraud, goon hiring and forgery was not proved and ought to have been reported to the police to deal with.

36. The Registrar concluded that the office had extensively considered all the objections raised to the proposed amendment of the KUPPET constitution and has come to a determination that the union’s constitution was amended legally and procedurally and as a result, we will proceed to register the said amendments.”

Determination

37. The parties filed written submissions which the court has carefully considered together with all the depositions by the parties in their supporting affidavit, replying affidavit and further affidavit filed and have delineated the following issues for determination:

- i. Whether the petition violates the doctrine of constitutional avoidance by failing to file an appeal in terms of section 30 of the *Labour Relations Act*.
- ii. Whether the Petitioner has sufficiently proved the alleged violations set out in the petition.



iii. Whether the Petitioner is entitled to the reliefs sought.

Section 30 of *Labour Relations Act* provides: -

30 Any person aggrieved by a decision of the Registrar made under this Act may appeal to the Industrial Court against that decision within thirty days of the decision.”

37. This court has religiously considered objections by parties aggrieved by a decision of the Registrar of Trade Unions by way of an Appeal to this court filed under section 30 of the *Labour Relations Act*.
38. The Petitioner herein having full knowledge of the Registrar’s decision to register the amendments made to the KUPPET constitution on 13/3/2025 filed the suit as a constitutional petition on 21/3/2025 and ignored the clear provisions of section 30 of *Labour Relations Act* which provides a statutory procedure for appealing decisions of the Registrar of Trades Unions to the Employment and Labour Relations Court.
38. The failure by the Petitioner to follow this express provision of the law and procedure goes to the jurisdiction of this court to entertain objections to the decisions by the Registrar of Trade Unions in any manner other than by way of an appeal.
39. In the Supreme Court decision in the case of Samuel Kamau Macharia and another versus Kenya Commercial Bank and 2 others Supreme Court of Kenya Civil Application No. 2 of 2011 the court stated: -
- “ A court’s jurisdiction flows either from *the constitution* or legislation or both. Thus, a court of law can only exercise jurisdiction as conferred by *the constitution* or other written law. It cannot arrogate to itself jurisdiction exceeding that which is conferred upon it by law.”
40. The provisions of section 30 of *Labour Relations Act* are not mere suggestions but constitute peremptory statutory mandate that confers this court with appellate jurisdiction over decisions made by the Registrar of Trade Unions.
41. The alleged violations by the 1st Respondent in the enactment of amendments to KUPPET constitution amounts to nothing if not approved by the 2nd Respondent. It is therefore without doubt that the cause of action in this matter arose from the decision by the Registrar of Trade Unions to register the amendments proposed by the 1st Respondent.
42. Accordingly, those proposals, however flawed, are incapable of constituting violation of the constitutional rights of the Petitioner or members of KUPPET until and when the same are sanctioned by the Registrar of Trade Unions upon registration as lawful amendments to *the constitution*.
43. The Petitioner is guilty therefore of violation of the doctrine of constitutional avoidance well-articulated by Mativo J. (as he then was) in the Mombasa High Court case of KKB v SCM and 5 others (Constitutional petition 014 of 2020) 2022 KEHC 281 (KLR) (22 April 2022) (Ruling) where the court stated,
44. The doctrine of ripeness and constitutional avoidance gives credence to the concept that *the constitution* does not operate in a vacuum or isolation. It has to be interpreted and applied in conjunction with applicable legislation together with other available legal remedies. Where there are alternative remedies, the preferred route is to apply such remedies before resorting to *the Constitution*. The possibility of the elevation of any dispute to a constitutional issue is what is sought to be averted by the doctrines of ripeness and constitutional avoidance. It is borne out of a realization that all legislative or common-law remedies are part of the legal system.”



45. Accordingly, the Petitioner is guilty of violating the doctrine of ripeness and constitutional avoidance well established as part of our jurisprudence and legal practice.
46. To the extent that this matter ought to have been brought before this court by way of an appeal, this court lacks jurisdiction to hear and determine the same and strikes the petition for this omission alone.
47. For completeness, the court has carefully considered the evidence put forth by the parties in this suit. The Petitioner failed completely to provide any tangible evidence with regard to the allegations made by the Petitioner regarding failure to conduct public participation; intimidation of voting delegates at the ADC; failure to conduct secret ballot and any other allegation of flawed process baldly stated by the Petitioner without any genuine elaboration.
48. To the contrary, the 1st and 2nd Respondents have provided very clear and elaborate evidence on how the 1st Respondent followed the provisions of KUPPET constitution and section 27 of [Labour Relations Act](#) in effecting the impugned amendments to the KUPPET constitution.
49. The Petitioner was not candid with the court and failed the test of good faith in not acknowledging the very elaborate response with very clear explanation to all the objections raised by members of KUPPET to the proposed amendments by the Registrar of Trade Unions aforesaid before making a decision to approve and register the same.
50. It is without much hesitation therefore; this court finds that the Petitioner has failed to prove on a balance of probability any of the violations set out in the petition before court.
51. Accordingly, the court finds that the 1st Respondent did not violate its own constitution, any statutory provision or any constitutional provision in amending the KUPPET constitution.
52. The 2nd Respondent therefore, lawfully approved and registered the proposed changes to the KUPPET constitution.
53. This suit lacks merit and would not have seen the light of the day even if it was not struck out for lack of jurisdiction.
54. Attention has been drawn to the court to the several suits filed in different ELRC courts on the same subject matter by different parties.
55. This judgment serves as a test guide to Nairobi Petition 059 of 2025, the parties having consented in that respect. Accordingly, this judgment shall guide the outcome in Nairobi Petition 059 of 2025.
56. Furthermore, to avoid issuing of contradictory decisions by courts of equal status on the same subject matter, which if done may result in diminution of the dignity of the court by way of embarrassment, the attention of this judgment is drawn to all the courts of equal status that may be handling suits arising from the same cause of action so as to be aware of it as they proceed to handle those matters in ways, they deem appropriate and just.
57. In this regard, the 1st Respondent drew the attention of this court in their written submissions to suits arising from same or similar cause of action in various ELRC courts as follows:-
 - i. Kisumu ELRC Petition No. E051 of 2024.
 - ii. Nairobi ELRC Petition No. E044 of 2024;
 - iii. Nairobi ELRC Petition No. E019 of 2025



58. For the avoidance of doubt, all the prayers sought in this petition have no merit and are dismissed firstly for want of jurisdiction and secondly for lack of merit.

DATED AT NAIROBI THIS 18TH DAY OF DECEMBER 2025.

MATHEWS NDUMA

JUDGE

Appearance:

Mr. Githinji for Petitioner

M/s. Akelo for 1st Respondent

A.G. for 2nd Respondent

Mr. Kemboi – Court Assistant

