



REPUBLIC OF KENYA



**Mutiso & 4 others (Suing on Their Behalf and on Behalf of Members of KCPA) v Gikonyo & 12 others (Cause E688 of 2024) [2026] KEELRC 63 (KLR) (23 January 2026) (Ruling)**

Neutral citation: [2026] KEELRC 63 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE E688 OF 2024  
S RADIDO, J  
JANUARY 23, 2026**

**BETWEEN**

**JORRUM MWEI MUTISO ..... 1<sup>ST</sup> CLAIMANT  
DAVID NDUNGU ..... 2<sup>ND</sup> CLAIMANT  
BOSCO MURIITHI ..... 3<sup>RD</sup> CLAIMANT  
AMRGARET KANAKE ..... 4<sup>TH</sup> CLAIMANT  
RAPHAEL MAGANGA ..... 5<sup>TH</sup> CLAIMANT  
SUING ON THEIR BEHALF AND ON BEHALF OF MEMBERS OF KCPA**

**AND**

**PETER GIKONYO ..... 1<sup>ST</sup> RESPONDENT  
TOM WANAMBISI ..... 2<sup>ND</sup> RESPONDENT  
JOSEPHINE NDIKWE ..... 3<sup>RD</sup> RESPONDENT  
STELLA THUO ..... 4<sup>TH</sup> RESPONDENT  
JOSEPH MWAURA ..... 5<sup>TH</sup> RESPONDENT  
BONFACE MWANGANGI ..... 6<sup>TH</sup> RESPONDENT  
WIFENZIO NJERU ..... 7<sup>TH</sup> RESPONDENT  
BONFACE NJOROGE ..... 8<sup>TH</sup> RESPONDENT  
JIMMY SIMBI WAMALWA ..... 9<sup>TH</sup> RESPONDENT  
NICHOLAS ONDIMU ..... 10<sup>TH</sup> RESPONDENT  
JOSEPH KIMEMIA ..... 11<sup>TH</sup> RESPONDENT  
REGISTRAR OF TRADE UNIONS ..... 12<sup>TH</sup> RESPONDENT**



**RULING**

1. On 21 October 2025, the Court directed that a Notice to Show Cause why the Cause should not be dismissed issue with a return date of 12 November 2025.
2. The parties appeared and made brief oral submissions, and the Court reserved its Ruling.
3. The Court has considered the record and brief submissions.
4. The Claimants sued the Respondents on 29 August 2024. The Statement of Claim was accompanied by a Motion under a Certificate of Urgency.
5. The Court allowed the Motion on 22 October 2024, but the Respondents sought to have the orders discharged. However, the Court confirmed the orders on 21 November 2024.
6. When the Cause was called on 10 December 2024 to deal with another Motion dated 27 November 2024, the Claimants were absent despite service. The Claimants had also failed to file a response to the Motion within the set timelines.
7. The Court delivered a Ruling on the Motion on 19 December 2024, and also issued directions on the filing and exchange of Responses to the Statement of Claim, Replies and Agreed Issues to facilitate a hearing of the Cause on the merits.
8. When the Cause was called out to confirm compliance on 18 February 2025, the parties informed the Court that they had not complied because they were in talks. The Court directed that a consent be filed in case of agreement.
9. The parties informed the Court on 3 March 2025 that there was no consent. The Court gave fresh directions on filing and exchange of Responses and Agreed Issues.
10. The Court gave further directions on 7 May 2025.
11. When the Cause was called out on 22 September 2025, the Claimants were absent. Again, on 21 October 2025, the Claimants failed to attend the Court.
12. The failures by the Claimants to attend Court sessions have hampered the expeditious and proportionate determination of the Cause.
13. The Court must now put the Claimants on notice that failure to attend Court or comply with peremptory orders geared to the expeditious determination of the Cause will lead to action, including dismissal of the Cause.
14. The delivery of this Ruling has been brought forward with notice to the parties.
15. The Court will give further directions on the hearing of the Cause hereinafter.

**DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 23<sup>RD</sup> DAY OF JANUARY 2026.**

**RADIDO STEPHEN, MCI Arb**

**JUDGE**

Appearances



For Claimants Musee Manyolo & Associates Advocates

For 1<sup>st</sup> – 5<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> & 11<sup>th</sup> Respondents Kanyoko Lewis & Co. Advocates

For 6<sup>th</sup>, 7<sup>th</sup> & 8<sup>th</sup> Respondents Kivuva Omuga & Co. Advocates

12<sup>th</sup> & 13<sup>th</sup> Respondents did not participate

Court Assistant Wangu

