

REPUBLIC OF KENYA
IN THE EMPLOYMENT & LABOUR RELATIONS COURT
AT NAKURU

PETITION NO. E006 OF 2026

- 1. **BETT DENNIS.....1ST PETITIONER** **KIPRONO**
- 2. **SISCA KORIR.....2ND PETITIONER** **JELANGAT**
- 3. **GILBERT CHERUIYOT MUTAI.....3RD PETITIONER**

-VERSUS-

- 1. **KENYA UNION OF POST PRIMARY EDUCATION TEACHERS(KUPPET).....1ST RESPONDENT**
- 2. **SECRETARY-GENERAL, KENYA UNION OF POST PRIMARY EDUCATION TEACHERS.....2ND RESPONDENT**

RULING

- 1. This case was being handled by Hon. Justice Rika who is currently in Nairobi handling service week.
- 2. He had ordered the Respondents to make available the Nakuru County Branch Members Register at the County Labour Office Nakuru.

3. Petitioners were to be granted unlimited access to their register for their scrutiny.
4. The Applicant had prayed for a conservatory order to be issued to restrain the Respondents from conducting Branch elections in Nakuru County and they had stated that the certified copies of the Register had not been provided and they were to be used in the elections and the said Register was required to be supplied to the Nakuru County Labour Office.
5. The Petitioners have been provided with the Register as per Respondents Replying affidavit dated 3rd February 2026 and they claim they have filed a response to the Respondents Replying affidavit but the same has not reached the court yet.
6. Even though the case was to be heard by Justice Rika, the same will not be possible as he is not in the station until next week. The Respondents have supplied the Register as ordered by the court. The elections are scheduled for 7th February 2026.

7. The certified Register having been supplied and Petitioners having informed the court they have scrutinised it, the court finds no solid grounds to order the elections of the branch to be suspended.

The court in any event orders all the registered members who are all eligible to participate in the elections to do so if they provide their membership details with their password and userword.

8. In view of the foregoing, the elections will proceed in accordance to the Union's Constitution and if there will be any anomalies, the parties can file petitions as per the law and the constitution of the union and Trade union election rules.

Elections therefore to proceed as scheduled.

**Dated, Signed and Delivered virtually at Nakuru
this 5th Day of
February 2026.**

**ANNA NGIBUINI MWAURE
JUDGE**

ORDER

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with **Order 21 Rule 1 of the Civil Procedure Rules**, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of the Constitution which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of **Section 1B of the Civil Procedure Act (Chapter 21 of the Laws of Kenya)** which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

ANNA NGIBUINI MWAURE
JUDGE

ORIGINAL