



**Republic v Kweyu & another (Judicial Review E001 of 2026 & Employment and Labour Relations
Petition E002 of 2026 (Consolidated)) [2026] KEELRC 315 (KLR) (5 February 2026) (Ruling)**

Neutral citation: [2026] KEELRC 315 (KLR)

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT BUNGOMA
JUDICIAL REVIEW E001 OF 2026 & EMPLOYMENT AND
LABOUR RELATIONS PETITION E002 OF 2026 (CONSOLIDATED)

DN NDERITU, J

FEBRUARY 5, 2026

**IN THE MATTER OF AN APPLICATION BY GEORGE BARASA
FOR ORDERS OF CERTIORARI, MANDAMUS & PROHIBITION**

AND

**IN THE MATTER OF AND/OR THE VIOLATION OF
ARTICLE 41 OF THE CONSTITUTION OF KENYA**

AND

**IN THE MATTER OF LABOUR RELATIONS
COURT ACT (NO.14 OF 2007) LAWS OF KENYA**

AND

IN THE MATTER OF UNFAIR DISCRIMINATION

AND

**IN THE MATTER OF SECTION 34, ARTICLE 1, 2A, 4 OF
LABOUR RELATIONS ACT (NO.14 OF 2007) LAWS OF KENYA**

BETWEEN

REPUBLIC APPLICANT

AND

**SAMUEL MOSES KWEYU, CHAIRMAN KENYA NATIONAL UNION
OF NURSES AND MIDWIVES INDEPENDENT NATIONAL ELECTION
COMMISSION 1ST RESPONDENT**

**SETH PANYAKO, GENERAL SECRETARY, KENYA NATIONAL UNION OF
NURSES AND MIDWIVES 2ND RESPONDENT**



RULING

1. In a chamber summons dated 29th January 2026 the applicant acting in person is seeking for various reliefs that are cumulatively seeking that this court stops the election of the officials of the 2nd respondent in the Bungoma Branch slated for Friday tomorrow 6th February 2026.
2. In the interim, the applicant is seeking that the said election be enjoined pending the hearing and determination of the substantive application on merits.
3. The respondents through Chimei & Malenya Advocates filed a notice of preliminary objection (PO) and a replying affidavit with several annexures thereto.
4. The applicant filed a further affidavit in response to the above.
5. The petitioner in Bungoma ELRC Petition No. E002 of 2026 – Nelson Mandela - is also seeking to stop the election slated for tomorrow Friday 6th February 2026 for the Busia Branch of the same union.
6. For a quick and early disposal of the two matters, the court directed parties to file all their papers and appear before the court today morning for brief oral submissions.
7. However, when the parties in both matters appeared in court it was brought to the attention of the court that ELRC at Eldoret (Onyango J) has issued an order halting and suspending all the elections of the union across the country. This fact has been acknowledged by the counsel and parties in both matters.
8. While the orders by Onyango J may not be binding on this court as a precedent, it is a principle in administration of justice that courts avoid situations that may compromise the integrity of the court process.
9. Further, courts should avoid issuing contradictory orders or dealing with matters that are subjudice or resjudicata.
10. In the circumstances, this court shall desist from issuance of any order(s) and instead direct that the two matters be placed before Onyango J at ELRC Eldoret for further orders and directions alongside Eldoret ELRC Petition No. E003 of 2026 that is pending thereat.
11. This direction is intended to preserve the integrity of the decision of the court issued at Eldoret that was first in time. The same was rendered on 4th February 2026 and all the parties in the two matters before this court are fully aware of the same.
12. The Deputy Registrar shall accordingly forward these two files to the ELRC Eldoret for further orders/ directions and disposal.

DELIVERED VIRTUALLY, DATED, AND SIGNED AT KAKAMEGA THIS 5TH DAY OF FEBRUARY 2026.

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DAVID NDERITU

JUDGE

