

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR
RELATIONS COURT AT NAKURU
PETITION E011 OF 2026**

BETWEEN

TONGE YOYAPETITIONER

VERSUS

1. KENYA UNION OF DOMESTIC, HOTELS, EDUCATION
INSTITUTIONS AND HOSPITALS WORKERS
2. ALBERT OBED NJERU
3. THE REGISTRAR OF TRADE UNIONS
RESPONDENTS

2ND RULING

1. The application filed by the 1st and 2nd Respondents, seeking to set aside orders made in favour of the Petitioner yesterday, shall be served upon the Petitioner and the 3rd Respondent.
2. The orders issued on the strength of *prima facie* evidence placed before the Court, that failure to grant the orders would result in irreparable harm to rights.
3. The 1st and 2nd Respondents concede that the Petitioner applied to vie for the position of Secretary General. His application was accepted, notwithstanding that the 1st and 2nd Respondents had knowledge, of the Petitioner's membership and leadership of a rival union.

4. The 1st and 2nd Respondents' main complaint is that if the meeting scheduled for tomorrow does not take place, there would be loss of funds spent in preparation of the meeting.
5. The 1st and 2nd Respondents can pursue recovery of those costs, in event the Petitioner is unsuccessful in his Petition.
6. As observed by the Court in its ruling yesterday, the 1st Respondent has until 30th June 2026, to conduct its quinquennial conference and elect its national officials.
7. There is adequate time to hear any disputation, on the constitutionality and legality of the proposed election of Secretary- General.
8. It would create confusion to the Petitioner and members, if the Court said the meeting and election of the Secretary- General is off yesterday, and even before the ink has dried, pronounce today, that the same meeting and election can now go on as scheduled tomorrow, on 20th February 2026.

IT IS ORDERED: -

- a. ***The orders granted yesterday, 18th February 2026, putting on hold the 1st Respondent's meeting and elections scheduled for 20th February 2026 at Tom Mboya College Kisumu, shall remain in force.***

- b. The 1st and 2nd Respondents shall serve their application upon the Petitioner and the 3rd Respondent.**
- c. The Petitioner and the 3rd Respondent may file and serve their respective responses, before 13th March 2026.**
- d. Mention as earlier scheduled, on 12th March 2026. .**

Dated, signed and delivered electronically at Nakuru, this 19th day of February 2026.

James Rika

Judge



