

**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 HOSPITAL WORKERS
2. ALBERT OBED NJERU
3. THE REGISTRAR TRADE UNIONS RESPONDENTS

RULING

1. The application dated 10th January 2026, filed by the Petitioner appears not to be urgent, given that it was prepared over a month ago, on 10th January 2026, but only placed before the Court over 1 month later, on 18th February 2026.
2. It however, does raise a fundamental constitutional and legal issue, concerning the exclusion of the Petitioner from vying for the position of Secretary-General of the 1st Respondent.
3. It merits *ex parte* consideration at first instance.
4. The Petitioner is a member of the 1st Respondent; he has paid the requisite fee required to contest the Secretary- General position; and

has lodged complaint with the 1st Respondent about his exclusion, without a response.

5. The proposed quinquennial conference scheduled by the Respondents at Tom Mboya College Kisumu, on 20th February 2026, appears to pose a real risk, of disenfranchising the Petitioner and his followers within the 1st Respondent, in the election of the Secretary-General.
6. The Petitioner and other members of the 1st Respondent have a constitutional right under Article 41[2] [c] of the Constitution, to participate in the activities and programmes of the 1st Respondent, including to vie for any elective position, and to vote in any elective position.
7. The Respondents have adequate time, between 1st April 2026 and 30th June 2026, as advised in the 3rd Respondent's circular dated 25th September 2025, to organize and conduct a transparent, credible, inclusive and consultative election of the important position of Secretary-General.

IT IS ORDERED: -

- a. ***Pending hearing inter partes, of the application dated 10th January 2026 filed by the Petitioner, the 1st and 2nd Respondents are restrained from convening the quinquennial conference on the 20th***

day of February, or any other date, at Tom Mboya Labour College, or any other venue.

- b. Pending hearing of the application inter partes, the 3rd Respondent is restrained from registering any Form Q, on the 1st Respondent's elected national officials.*
- c. The petition and the application shall be served upon the Respondents, who shall file and serve their respective responses, within 14 days of service.*
- d. Mention on 12th March 2026.*

Dated, signed and delivered electronically at Nakuru, this 18th day of February 2026.

James Rika

Judge



