



**Ngugi & 554 others v Retirement Benefits Appeals Tribunal & another;
Board of Trustees, Teleposta Pension Scheme & Provident Fund &
another (Interested Parties) (Judicial Review Application E376 of 2025)
[2026] KEHC 1619 (KLR) (Judicial Review) (18 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1619 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E376 OF 2025
RE ABURILI, J
FEBRUARY 18, 2026**

BETWEEN

BEATRICE NJERI NGUGI & 554 OTHERS & 554 OTHERS APPLICANT

AND

RETIREMENT BENEFITS APPEALS TRIBUNAL 1ST RESPONDENT

THE ATTORNEY GENERAL 2ND RESPONDENT

AND

**BOARD OF TRUSTEES, TELEPOSTA PENSION SCHEME & PROVIDENT
FUND INTERESTED PARTY**

RETIREMENT BENEFITS AUTHORITY INTERESTED PARTY

RULING

1. This matter was slated for oral hearing interpartes today. However, the parties are unable to proceed with the highlights as scheduled, although the court is ready to proceed and hear them.
2. The parties explain that there is another matter filed by different parties against the same Respondents herein and Interested Parties, arising from the same decision of the 1st Respondent, which matter is before Justice Chigiti SC and due for a Ruling on leave to apply on 20/2/2026 in JR E023/2026. That because the issues under challenge are the same, it is prudent to have the 2 matters consolidated and be heard by one Judge.



3. An application for consolidation has been filed and all parties have been given prior notice by the 1st Interested Party's Counsel vide letter to court dated 13/2/2026. All the parties concede that the other matter is pending a Ruling due for 20/2/2026, for leave to apply.
4. That being the case, and as this court cannot contemplate what decision the learned Justice Chigiti SC will render, although the matters appear similar, consolidation whereas feasible, it can only be considered after the Ruling on leave to apply in JR E023/2026 is rendered in the affirmative and a substantive Notice of Motion is filed.
5. Similarly, it is also possible that even without a consolidation, now that the parties agree that the two cases arose from the same cause of action and decision, the two matters can be heard together after the substantive motion is filed, assuming that the leave sought will be granted.
6. In the circumstances, taking into account all the above situation, I find that this matter cannot proceed to hearing today, so that we save on judicial time and resources.
7. The parties to await the outcome of JR E023/2026 on the pending Ruling. Upon which, representation can be made in that matter after the filing of a substantive motion.
8. Accordingly, as requested by the parties, this ruling shall be brought to the attention of Justice Chigiti SC but only after he has delivered the Ruling in JR E023/2026 to enable him give directions as appropriate in the matter before him. The hearing scheduled for today is therefore stayed.
9. Mention on 3/3/2026 for further directions.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 18TH DAY OF FEBRUARY, 2026

R.E. ABURILI

JUDGE

