

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR  
RELATIONS COURT AT NAKURU  
CAUSE NUMBER E062 OF 2025**

**BETWEEN**

1. PETER NKOWUA
2. JOSEPH PEMPA KOILA
3. PETER LEKAIPEEI NKOWUA
4. EVERLYNE SURUM
5. ELIZABETH SANAYIAN LOLCHOKI
6. SIMON TONKEI KIRWA
7. MOSES NKUITO
8. JANE SAYIORI

[Suing on their own behalf and on behalf of other affected members, pursuant to Order 1 Rule 8 of the Civil Procedure Rules] .....  
CLAIMANTS

**VERSUS**

1. THE COUNTY GOVERNMENT OF NAROK
2. NAROK PUBLIC SERVICE BOARD .....RESPONDENTS

**RULING**

1. Through their Statement of Claim dated 1st October 2025, the Claimants aver that they were employed by the Respondents , as Rangers.
2. They were issued letters of promotion by the 1st Respondent, elevating them from Corporals to Senior Wardens, in the year 2022. They assumed responsibilities in their elevated positions.

3. Their collective grievance, is that the Respondents have failed, neglected and / or refused to pay to them the salaries, allowances and benefits due to them in their elevated positions.
4. They filed this Claim, seeking declaration that their promotions are valid and enforceable; the 1st Respondent is compelled to pay all due salaries, increments and benefits; a permanent injunction restraining the 1st Respondent from undertaking fresh promotions, until the promotions of 2022 are fully implemented; general damages; costs; interest; and any other relief.
5. They simultaneously filed an application asking the Court to temporarily restrain the Respondents from issuing, implementing and / or effecting any fresh promotions; and that, the Respondents are compelled to pay the Claimants their accrued salaries from 2022, pending hearing and determination of the Claim.
6. The application, supported by the affidavit of the 1st Claimant Peter Nkowua sworn on 1st October 2025, is the subject matter of the ruling today.
7. Nkowua restates the averments contained in the Statement of Claim, as summarized above, in his affidavit.
8. The Respondents oppose the application, through the affidavit sworn on 24th November 2025, by the County Secretary Peter John Mayiani.

9. Mayiani states that promotion of the Claimants was suspended, after the 1st Respondent discovered that the promotion exercise was marred in irregularities.
10. The prayer to restrain the Respondents from promoting other Rangers is inappropriate, because such promotion would not affect the Claimants.
11. The Respondents submit that the application is frivolous and premature.
12. Parties agreed to have the application considered and determined on the strength of their affidavits and submissions. They confirmed filing and exchange of submissions at the last sitting, on 27th January 2026.

**The Court Finds: -**

13. The Court is not certain that its jurisdiction has properly been invoked, and whenever the Court doubts its jurisdiction, it is always prudent to decline jurisdiction.
14. The Claimants are Employees of a County Government. They are Public Servants, employed in the County Public Service. Their terms and conditions of service are governed by the County Governments Act and the Public Service Commission Act.
15. Dispute relating to their promotion is a matter to be submitted to the Public Service Commission under Section 77 of the County Governments Act, and Section 85 of the Public Service Commission Act.

16. These laws demand that no legal proceedings relating to Employees of the County Governments, shall be initiated in any Court, unless the dispute resolution mechanisms under the 2 laws, have been exhausted.

17. This position was emphasized by the Court of Appeal in **Secretary, Wajir County Public Service Board v. Hulbai Dedi Abdille [2017] e-KLR.**

18. The Court cannot therefore allow the application filed by the Claimant, until they establish that the Court is seized of the mandate to hear their Claim.


**IT IS ORDERED:** -

- a. The application filed by the Claimants dated 1st October 2025 is declined.*
- b. No order on the costs.*

Dated, signed and delivered electronically at Nakuru, under Rule 68 [5] of the E&LRC [Procedure] Rules, 2024, this 27th day of February 2026.

James Rika

Judge



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