

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
MILIMANI COMMERCIAL COURT**

ELRCA NO. E056 OF 2026

(Before D. K. N. Marete)

**ISAIAH MUNORU MUCHEKE.....1ST APPELLANT
STANLEY MURIUKI GACHINGIRI.....2ND APPELLANT
ISAAC GITAU.....3RD APPELLANT
ISAIAH GATUMU.....4TH APPELLANT
JAMES MUGO.....5TH APPELLANT
ERICK MUNENE.....6TH APPELLANT
JULIE GITAU.....7TH APPELLANT
PATRICK MBUCHICHI.....8TH APPELLANT
BERNARD MBELA.....9TH APPELLANT
PHILEMON KURUI.....10TH APPELLANT
PAUL COLLINS.....11TH APPELLANT
EPHRAIM NYANGE.....12TH APPELLANT
DANIEL NJIRU.....13TH APPELLANT**

-VERSUS-

**REGISTRAR OF TRADE UNIONS.....1ST RESPONDENT
BANKING INSURANCE & FINANCE UNION (KENYA).....2ND RESPONDENT
NATIONAL GENERAL SECRETARY BANKING, INSURANCE &
FINANCE UNION (KENYA).....3RD RESPONDENT
BANKING INSURANCE & FINANCE UNION (KENYA)
(MOUNT KENYA REGION OFFICIALS – MARY WAITHIRA MUNGAI,
CORNELIUS KOECH KIPYEGON, GEORGE KOMU KARIUKI,
PETER MUNDIA GIKONYO, JUSTUS KIINDU MUINDI,
GIDEON MAKORI NJENGA, IDAH KAGENI MUTEGI,**

DORCAS MUTHONI GACHOKI, EMILY KARIMI MBOGO)

.....**4TH RESPONDENT**

BANKING INSURANCE & FINANCE UNION (KENYA)

(COAST REGION OFFICIALS – NELSON WANJALA,

WYCLIFFE TUVA, DAN BENEDICT OKELLO,

KELVIN MUTHUMI MWIRIGI, TIMOTHY NGUI MUWEENI,

LYDIA SALAMA GANDI, CAROL NITA KUYO,

LAYDIA WACHIA MWALUKO, ESTHER ANYONGO)

.....**5TH RESPONDENT**

BANKING INSURANCE & FINANCE UNION (KENYA)

(WESTERN REGION OFFICIALS – JOAB NYAMBANE MONINGI,

FREDRICK KIPCHOGE SENGWER, GEORGE OTIENO WARO, LONICA

CHEBET, JENIPHER NETA MURGOR, EUNICE NORA OMOLLO, PETER

OMWONG’A MONARI, TITUS OWINO, TEVINE OTIENO ODHIAMBO).....6TH

RESPONDENT

THE HONOURABLE ATTORNEY GENERAL.....7TH RESPONDENT

JUDGMENT

This matter was originated by way of a Memorandum of Appeal dated 19th February, 2026.

The Appellants pray for orders that;

- a) *The appeal be and is hereby allowed.*
- b) *The branch elections held on 22nd January 2026 for the Mount Kenya Region Branch, 24th January 2026 for the Coast Region Branch and 7th February 2026 for the Western Region Branch were unlawful, illegal, irregular, unfair and not credible as they were against the 2nd Respondent’s constitution.*
- c) *The decision of the Registrar of Trade Unions to register the 4th, 5th and 6th Respondents through the extract dated 9th February 2026 for Mount Kenya Branch officials, the extract dated 9th February 2026 for Coast Region Branch*

officials and the extract dated 10th February 2026 for Western Region Branch officials of BIFU(K) be set aside or be quashed and/or be declared null and void ab initio.

- d) The 4th, 5th and 6th Respondents be and are hereby restrained from assuming office of BIFU(K) as branch officials for Mount Kenya, Western and Coast Branches respectively.*
- e) The 2nd and 3rd Respondents to conduct and proceed to hold fresh branch elections strictly in full compliance with the Union's constitution from the date of delivery of this judgment.*
- f) The 2nd and 3rd Respondents to proceed and conduct national elections strictly in full compliance with the Union's constitution.*
- g) The costs of appeal be provided for.*
- h) Any other reliefs or directions the court may deem fit and just to grant.*

The Respondents oppose the appeal and pray for its dismissal with costs.

The appeal is against the decision of the 1st Respondent, to wit, the Registrar of Trade Unions, in registering new branch officials for the Mount Kenya Region Branch, the Coast Region Branch and the Western Region Branch of Banking Insurance & Finance Union (Kenya), BIFU (K.)

The 4th Respondent is a registered trade union in the banking, insurance and finance sectors whose internal governance is regulated by its registered constitution. On 25th September, 2025, the 1st Respondent issued a circular pursuant to Section 34 of the Labour Relations Act, 2007 directing all registered trade unions to conduct branch elections between 5th

January, 2026 and 31st March 2026 in strict compliance with their respective registered constitutions. The circular further required that membership registers be updated before elections, certified copies be furnished to County Labour Officers at least sixty days before branch elections and that election schedules be submitted to the Registrar at least sixty days before elections.

Pursuant to Rule 6E of the Union's Constitution, the 3rd Respondent, the National General Secretary of BIFU(K) issued notices dated 23rd December, 2025 calling for branch elections. The Mount Kenya Region Branch election was fixed for 22nd January, 2026 at Panesic Hotel, Embu with a notice period of 31 days. The Coast Region Branch election was fixed for 24th January, 2026 at the Methodist Church in Kenya Mombasa Synod Social Hall, Mombasa, with a notice period of 33 days. The Western Region Branch election was fixed for 7th February, 2026 at Tom Mboya Labour College, Kisumu, with a notice period of 47 days.

In the conduct of the elections, county labour officers from the Ministry of Labour and Social Protection were appointed as returning officers for each of the three branches. The elections were held on the scheduled dates. The returning officers thereafter filed reports certifying that the elections were free, fair and verifiable. The 3rd Respondent submitted Form Q and the requisite documentation to the 1st Respondent. The Mount Kenya and Coast Branch officials were registered on 9th February, 2026 while the Western Branch officials were registered on 10th February, 2026.

However, before any of the registrations were effected, the Appellants had already lodged specific written complaints with the 1st Respondent in accordance with the provisions of the

Labour Relations Act, 2007. The 1st Appellant wrote to the 1st Respondent on 19th January, 2026 before any of the three elections had even taken place. This raised seven grounds of alleged non-compliance with the Union's Constitution and requested the cancellation or postponement of the elections.

After the Mount Kenya election of 22nd January, 2026, members of the branch petitioned the 1st Respondent setting out specific events that occurred on election day. This was to the extent that candidates who had sought to present their nomination forms at the union office in Nyeri on 19th January, 2026 were turned away and their forms not received. On election day, the General Secretary refused to accept their nomination forms and when they sought to access the meeting room to register as attendees, the Deputy General Secretary instructed security personnel to physically block them from entering. Besides, the returning officer thereafter walked out of the venue together with the union officials. The complainants further posit that they had a registration list of 22 union members who attended but were excluded from the process.

The Appellants' further case is that after the Coast Region Branch elections of 24th January, 2026, members of that branch petitioned the 1st Respondent on 26th January, 2026 stating that before the election commenced, they had demanded that the membership register be availed but this was denied. In addition, members who came to vote were turned away because they did not have identity cards and that some candidates were intimidated and resigned on the day of voting. Again, that members who refused to accept a payment of KES. 2,000.00 were denied their transport and allowances.

Notwithstanding the receipt of all these petitions, the 1st Respondent proceeded to register the elected officials for all three branches. The 1st Respondent thereafter sought clarification from the 2nd Respondent, who responded on 13th February, 2026. At no point did the 1st Respondent communicate any findings or decision to the Appellants, invite them to respond to the 2nd Respondent's clarification or even provide any written reasons for the registration decisions. The 1st Respondent did not in any way communicate to the Appellants, or at all. This prompted them to institute this appeal on 19th February, 2026.

It is the Appellants' other case that the 2nd Appellant had earlier attempted to restrain the Mount Kenya Branch election through Nyeri ELRC No. E002 of 2026. However, this application was dismissed for lack of merit by court.

The 9th and 10th Appellants participated in the Coast Branch elections and obtained 36 and 33 votes respectively. The 1st Appellant attended the National Executive Committee meeting of 30th January, 2026 which fixed the date of 20th March 2026 for the national quinquennial elections. He did not record a dissent at that meeting.

This matter came to court variously until 9th March, 2026 when the parties decided and agreed on a determination by way of written submissions. This was endorsed and directions issued by court.

The issues for determination therefore are:

1. Whether this court has jurisdiction to hear and determine this appeal.

2. Whether the 1st Respondent violated the Appellants' right to fair administrative action under Article 47 of the Constitution of Kenya 2010 and the Fair Administrative Action Act, 2015.
3. Whether the branch elections in the Mount Kenya, Coast and Western Region Branches were conducted in compliance with the Union's Constitution and the Labour Relations Act, 2007.
4. Whether the Appellants are entitled to the reliefs sought.
5. Who bears the costs of this cause.

The 1st issue for determination is whether this court has jurisdiction to hear and determine this appeal. The 2nd to 6th Respondents raise a threshold challenge. They submit that Section 30 of the Labour Relations Act, 2007 confers jurisdiction on this court only where the Registrar has made a decision on the Appellants' complaint, and that since no such determination had been made at the time of filing, no appeal would lie before this court. In buttressing their case, they seek to rely on the authority of **Ferdinand Chirure Nyongesa v Engineers Board of Kenya 2021KEHC2423(KLR)** where the court observed that a petitioner could only invoke the court's jurisdiction upon receipt of the board's decision, emphasising the importance of following set-down legal procedures. They also rely on **William Odhiambo Ramogi & 3 others v Attorney General & 4 others; Muslims for Human Rights & 2 others (Interested Parties) [2020] eKLR** which affirmed the doctrine of exhaustion of administrative remedies consistent with Article 159(2)(c) of the Constitution. This is besides **T. O. Kopere v The Disciplinary Committee Law Society of Kenya & Another [2012] eKLR** where an appeal before the conclusion of disciplinary proceedings was held to be totally strange and unknown to process and practice.

This court finds that the 1st Respondent made a formal and positive decision when she registered the 4th, 5th and 6th Respondents as branch officials. The Extracts from the Register of Trade Unions certified by the Ag. Registrar Ann K. Kanake on 9th and 10th February 2026 are decisions of the Registrar made under the Act within the meaning of Section 30. They confer legal status on the registered persons. The Respondents' argument conflates two distinct acts: the registration decision under Section 35(2), which is the act being appealed and the determination of the Appellants' complaints, which is a separate matter. Section 30 lies against any decision of the Registrar under the Act; it is not confined to decisions on complaints alone. The authorities cited by the Respondents are distinguishable: in *Ferdinand Chirure Nyongesa* no decision had been communicated at all, whereas here formal registration decisions exist on the record. The doctrine of exhaustion in **William Odhiambo Ramogi (supra)** applies where a party bypasses available remedies before an agency. The Appellants are not bypassing any process but are appealing a completed registered act. This court has jurisdiction. The 1st issue is therefore resolved accordingly.

The 2nd issue for determination is whether the 1st Respondent violated the Appellants' right to fair administrative action. Article 47(1) of the Constitution of Kenya, 2010 guarantees every person the right to administrative action that is lawful, reasonable and procedurally fair. Article 47(2) guarantees the right to written reasons for any administrative action that adversely affects one's rights or interests. This, coupled with Section 4(1) and (3) of the Fair Administrative Action Act, 2015 gives these guarantees statutory force. The Appellants further seek to rely on the authority of **Wasilwa v Judicial Service Commission & others (Petition E237 of 2023) [2025] KEELRC 281 (KLR)** where failure to consider threshold objections was held a fundamental legal misstep inconsistent with Article 47.

The 2nd to 6th Respondents' case and submission is that the Appellants failed to particularise their constitutional complaint with the precision required by **Anarita Karimi Njeru v Republic [1976-1980] KLR 1272** as applied in **Mumo Matemu v Trusted Society of Human Rights Alliance & 5 others (2013) eKLR**. They further submit that the Fair Administrative Action Act, 2015 prescribes no specific response period and that action was being taken within reasonable time under Section 6(3) of the Act. Therefore, no prejudice was suffered in the circumstances. Additionally, the 1st and 7th Respondents submit that the 1st Respondent conducted an inquiry under Section 35(4) of the Labour Relations Act, 2007 and proceeded to register pursuant to her mandatory duty under Section 35(2).

This court finds that the Appellants satisfied the precision requirement as expected of the authorities aforesaid. Their petitions and letters to the 1st Respondent were detailed, provision specific and documented. They identified particular rules of the Union's Constitution that had been violated and particular events on election days. The 1st Respondent cannot seek shelter behind the precision test when they never engaged with the substance of the complaints at all.

On the substance, Sections 35(3) and 35(4) of the Labour Relations Act, 2007 impose positive obligations on the Registrar to request production of relevant documents and make such inquiries as she deems necessary before registering a change of officials. A process that receives only the union's explanation while entirely excluding the objecting members is not a fair inquiry. The uncontroverted chronology is as follows;

- i) The Appellants filed specific complaints before registration
- ii) The 1st Respondent registered the elected officials nonetheless

- iii) The 1st Respondent thereafter sought clarification from the union but only after registration
- iv) There was no communicated to the Appellants at any stage
- v) The 1st Respondent at no time provide written reasons for their decisions.

This is a clear violation of Article 47(1) and (2) of the Constitution of Kenya 2010 and Section 4(3) of the Fair Administrative Action Act, 2015. The 2nd issue is thus answered in favour of the Appellants.

The 3rd issue for determination is whether the branch elections were conducted in compliance with the Union's Constitution and the Labour Relations Act, 2007. Section 34(1) of the Labour Relations Act mandates that trade union elections be conducted in accordance with the union's constitution. The standard of proof was stated by the Supreme Court in **Raila Odinga & Others v Independent Electoral and Boundaries Commission & Others, S.C. Petition No. 5 of 2013** where it was observed that a petitioner must prove non-compliance with the law and that such non-compliance affected the validity of the elections, above the balance of probabilities. The Appellants raised nine specific grounds against the constitutionality of the elections. This court addresses them in the order in which the election process itself unfolds.

The first ground is the alleged failure to convene the Management Consultative Committee (MCC) under Rules 18B and 18D before commencing the branch election process. This court has scrutinized Rule 18 in its entirety. Rule 18B confines the MCC to administrative and financial matters between meetings of the Executive Committee. The Union's Constitution vests no electoral function in the MCC. The specific authority to advise the date for branch

elections is vested solely in the National General Secretary under Rule 6E. No provision makes MCC convening a precondition for branch elections. This ground therefore fails.

The second ground is the alleged failure to convene the National Executive Council (NEC) under Rules 7A, 7H and 7L to fix the date, time and venue for branch elections. Rule 7A is a general governance provision. Rule 6E is the specific provision governing branch elections and vests the authority to advise election dates solely in the National General Secretary. The maxim *generalia specialibus non derogant* applies- the specific prevails over the general. No provision of the Union's Constitution requires NEC sanction as a pre-condition for branch elections. This ground also fails.

The third ground is the alleged failure to issue public nomination notices under Rule 23H. The 2nd to 6th Respondents submit that nomination forms were issued, collected and submitted with 100 supporting signatures as evidenced by annexure JOT5. However, the 1st Appellant swore that members were calling him to ask for a copy of the branch election notice which was not in his possession and that he was unaware whether any written notice had been issued. The Coast Branch petition states that petitioners only came to know of the elections when people were seeking nomination signatures around 14th January 2026. The production of completed nomination forms does not establish that the required public nomination announcement was made in advance. This ground is established and proven by the appellants. It therefore stands and succeeds.

The fourth ground is the alleged failure to give 14 days' notice under Rules 23C, 24C and Appendix No. 1. The notices were issued on 23rd December 2025 giving 31, 33 and 47 days'

notice respectively. This all substantially exceeded the constitutional minimum of 14 days required before elections are held. This ground is therefore not demonstrated and fails.

The fifth ground is the alleged failure to provide the returning officer with a voters list under Rule 25C(ii), which requires the National General Secretary to provide the Returning Officer with a list of the names and addresses of members entitled to vote. The Coast Branch petition swears that the membership register was demanded before the election commenced but was refused. Members who came to vote were turned away for lack of identity cards. The Respondents have not specifically rebutted this sworn testimony. This ground is established in respect of the Coast Branch election and therefore the issue diminishes.

The sixth ground is the alleged failure to meet the quorum required under Rule 23D which requires one-half of branch members with not more than thirteen weeks in arrears of membership fees. The Respondents availed attendance registers as annexure JOT6a. The Appellants have not produced the certified membership register or demonstrated arithmetically that the required quorum was not met. This burden has not been discharged and this ground also fails.

The seventh ground is the alleged failure to conduct a free and fair secret ballot under Rules 25A and 23G. The 2nd to 6th Respondents submit that in the Mount Kenya and Western Branches the Appellants elected not to participate and candidates were declared elected unopposed, while in the Coast Branch a secret ballot was held in which the 9th and 10th Appellants participated and were defeated. This court cannot accept the characterisation that the Mount Kenya Branch members elected not to participate. The sworn evidence is that they attended, had a registration list of 22 members and were physically blocked by security from accessing the meeting room on election day. The returning officer thereafter left with the

union officials. The Respondents produced no sworn rebuttal of this account. This ground is established in respect of the Mount Kenya Branch election.

The eighth ground is the alleged ineligibility of Jenipher Neta Murgor, who was elected Branch Treasurer in the Western Region Branch. The Appellants contend that she retired from PostBank in August 2025 and that her union dues were in arrears of more than thirteen weeks, disqualifying her under Rule 25D. The 2nd to 6th Respondents submit that she paid Kshs. 3,600 on 21st January 2026 settling all her arrears before the election of 7th February 2026. This court finds that this submission has not been adequately substantiated. That Jenipher Neta Murgor retired from PostBank in August 2025 is not in dispute. From August 2025 to the election date of 7th February 2026 is approximately twenty-six weeks. Under Rule 4A subscriptions are calculated at 1% of basic salary. A single payment of Kshs. 3,600 on 21st January 2026 has not been shown to be sufficient to discharge twenty-six weeks of accumulated arrears for a member employed in the banking sector. The Respondents produced no evidence of the precise arrears outstanding or the subscription rate to demonstrate that the payment brought her arrears below the thirteen-week threshold. The burden of establishing eligibility lay with the Respondents and has not been discharged. Jenipher Neta Murgor was not in good standing at the time of the Western Region Branch election and was not eligible to contest or hold office. Her election as Branch Treasurer is invalid. This ground is established and stands.

The ninth ground is general non-compliance with Sections 4, 8, 11, 35(3) and (4) and 39 of the Labour Relations Act, 2007. and Articles 22, 27, 36, 41 and 47 of the Constitution. Section 4 of the Act mandates the democratisation of trade unions. Section 8 guarantees every member the right to participate in union activities, stand for election and vote. These

are justiciable rights that the electoral process must give effect to. The findings on the individual grounds above inform the determination of this omnibus ground.

Overall, this court is guided by the principle provided in the authority of **Albert Chivini Mwiroti & 2 Others v Registrar of Trade Union & 2 Others [2016] KEELRC 1202 (KLR)** that a fair election requires prior notice that is brought to the attention of members. This is in addition to a free and fair environment on the day of election allowing those who presented themselves to participate transparently. This case is not that of a losing candidate. It is bigger and louder than that. The sworn, specific and unrebutted evidence from the Mount Kenya Branch members establishes that eligible members and candidates were physically blocked by security from the meeting room, that their nomination forms were refused, and that the returning officer left with union officials. As this court observed in the authority of **Frankline Kaburu Kinoti & 3 others v University Academic Staff Union [UASU] Executive, Kenyatta University Chapter & 3 others; Kenyatta University (Interested Party) [2021] KEELRC 1059 (KLR)** the process leading to elections is as important as the actual voting and no candidate claiming success under a flawed process merits being placed in office. The Mount Kenya Branch election of 22nd January 2026 is therefore not valid.

The Coast Region Branch election of 24th January, 2026 is equally invalid. The membership register and voter list required under Rule 25C(ii) was demanded and refused. Members were turned away and a payment of Kes. 2,000 was allegedly offered to influence voting patterns, (read voter bribery.) The non-provision of the voter list undermined the integrity of the entire voter identification process. These are substantive failures that denied members their rights under Section 8 of the Labour Relations Act, 2007 and Article 41(2)(c) of the Constitution.

The Western Region Branch election of 7th February 2026 is also invalid. The election of Jenipher Neta Murgor as Branch Treasurer, having been found to be in breach of Rule 25D, renders the election incapable of standing. An election in which an ineligible candidate is declared elected cannot be upheld.

The 2nd to 6th Respondents invoke the doctrine of election and estoppel relying on **Scarf v Jardine (1882) 7 App Cas 345** submitting that the 1st Appellant, having attended the NEC meeting of 30th January 2026 without dissent and having applied for re-election, is estopped from challenging the elections. This court does not agree. The right to challenge an unlawful election under Section 30 of the Labour Relations Act, 2007 is statutory in character and cannot be extinguished by estoppel arising from attendance at a subsequent NEC meeting. Moreover, the estoppel argument is personal to the 1st Appellant and cannot bar the other twelve Appellants, many of whom have independently sworn evidence of exclusion. This submission is declined.

In all, this court finds that all three branch elections were not conducted in compliance with the Union's Constitution and the Labour Relations Act, 2007 and are therefore invalid. This issue is answered in favour of the Appellants.

The 4th issue for determination is whether the Appellants are entitled to the reliefs sought. The 2nd to 6th Respondents submit that the orders sought are overtaken by events as the elected officials have already assumed office, relying on **Republic v County Chief Officer, Finance & Economic Planning, Nairobi City County (Ex Parte David Mugo Mwangi) [2018] eKLR** that courts do not issue orders in vain. They also submit that repeat elections would be financially prejudicial to the 2nd Respondent.

This court does not agree. The Appellants filed this appeal promptly and the matter has been heard. The fact that officials assumed office pursuant to a registration decision that this court has now found to be unlawful does not deprive the Appellants of the relief they sought and which the merits of this appeal have sustained. The Appellants have succeeded fully and are entitled to the full relief they prayed for. All three registration decisions are quashed and fresh branch elections are ordered. This argument should be treated as just that, a party's position and submission in support of their case.

On the issue of national elections, the branch officials who are delegates to the Annual Delegates Conference must be legitimately elected before national elections can properly be held.. The national elections shall be conducted and overseen by the branch officials who held office immediately before the disputed elections of January and February 2026 and the impugned registration. These are the officials who were in office prior to the 2026 election cycle. They are the officials with the constitutional mandate to convene and oversee the process in the interim. The 4th issue is so answered.

The 5th issue for determination is who bears the costs of this appeal. The general principle that costs follow the event is settled as espoused in **Rai & 3 others v Rai & 4 others [2014] KESC 31 (KLR)**. This, however, does not oust the discretion of the court in a determination of an award for costs. The Appellants have fully succeeded. The primary author of this litigation is the 1st Respondent, whose failure to engage with the Appellants' specific and sworn complaints before registering necessitated this appeal. The 1st Respondent shall bear the Appellants' costs in this appeal. The 2nd to 6th Respondents, being partakers of the confusion shall bear their own costs.

I am therefore inclined to allow the appeal and order relief as follows.

- i) A declaration be and is hereby issued that the 1st Respondent violated the Appellants' right to fair administrative action under Article 47(1) and (2) of the Constitution of Kenya ,2010 and Section 4(3) of the Fair Administrative Action Act, 2015 by registering the 4th, 5th and 6th Respondents as branch officials of BIFU(K) without affording the Appellants a hearing, without engaging with their specific and sworn objections and without providing written reasons for the registration decisions.
- ii) The decision of the 1st Respondent in registering the officials of the Mount Kenya Region Branch, the Coast Region Branch and the Western Region Branch of BIFU(K) as evidenced by the Extracts from the Register of Trade Unions dated 9th February,2026 and 10th February, 2026 respectively, be and is hereby quashed.
- iii) The branch elections held on 22nd January, 2026 for the Mount Kenya Region Branch 24th January, 2026 for the Coast Region Branch and 7th February, 2026 for the Western Region Branch be and are hereby declared, irregular, invalid and unlawful.
- iv) The 4th, 5th and 6th Respondents are therefore not regularly in office and as such should vacate such office now so irregularly assumed.
- v) The 2nd and 3rd Respondents are hereby directed to conduct fresh branch elections for the Mount Kenya Region Branch, the Coast Region Branch and the Western Region Branch strictly in full compliance with the Union's Constitution and the Labour Relations Act, 2007 forthwith but in any event within sixty (60) days from the date of delivery of this judgment of court.

- vi) These repeat elections should in so far as is possible comply with the 1st Respondent's circular dated 25th September, 2025, on timelines.
- vii) The 2nd and 3rd Respondents are hereby ordered and directed to proceed and conduct the national elections strictly in full compliance with the Union's constitution.
- viii) The national elections shall be conducted and overseen by the branch officials who held office immediately before the impugned elections of January and February, 2026.
- ix) The 1st Respondent shall bear the Appellants' costs of this appeal.
- x) The 2nd to 6th Respondents shall bear their costs of this appeal.

Delivered, dated and signed this **13th** day of **March** 2026.

D. K. Njagi Marete

JUDGE

Appearances:

1. Mr. Mbogori instructed by Nkonge Mbogori Advocates for the Appellants
2. Miss. Mochoge instructed by State Law Offices for the 1st and 7th Respondents
3. Mr. Okello instructed by Okello Pamba and Company Advocates for the 2nd to 6th Respondents