

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

**CAUSE NO. E924 OF 2025**

*(Before Hon. Lady Justice Agnes Kitiku Nzei)*

**DAVID MUTHEE MBOGO ..... CLAIMANT**

*VERSUS*

**THE COMMANDANT,  
NATIONAL YOUTH SERVICE ..... 1<sup>ST</sup> RESPONDENT**

**NATIONAL YOUTH SERVICE ..... 2<sup>ND</sup> RESPONDENT**

**PUBLIC SERVICE COMMISSION ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

**Background**

1. The Claimant sued the Respondents herein vide a Memorandum of Claim dated **24<sup>th</sup> September, 2025** and filed herein on even date, and sought the following reliefs:-

- (a) *A declaration that the 2<sup>nd</sup> Respondent acted **ultra vires** its mandate under the **National Youth Service Act**, and has no jurisdiction to discipline*

or suspend Uniformed National Youth Service Officers.

- (b) A declaration that the 1<sup>st</sup> Respondent acted without authority in issuing the suspension letter dated **25<sup>th</sup> June, 2025** and that the said suspension was issued in contravention of the PSC Act and the Constitution.
- (c) A declaration that the Claimant's suspension letter dated **25<sup>th</sup> June, 2025** was unconstitutional, unlawful, irregular and null and void **ab initio**.
- (d) An order quashing the suspension letter **Ref. NYS/CONF/2007031890** dated **25<sup>th</sup> June, 2025** together with Council **Minute 24/2025** and all consequential actions emanating from the said letter and minute.
- (e) An order of reinstatement reinstating the Claimant forthwith to his position of **Senior Superintendent** in charge of **Supplies Chain Management Services** at the **NYS - Paramilitary Academy - Gilgil**, with immediate payment of all withheld salary, allowances and benefits.

- (f) *An order compelling the Respondents to expunge all records of the suspension from the Claimant's employment file and to restore his full employment status.*
- (g) *General damages for violation of the Claimant's rights, humiliation and reputational harm.*
- (h) *Costs.*
- (i) *Interest on damages and costs at Court rates from the date of filing until payment in full.*
- (j) *Such other or further relief as this Honourable Court may deem fit in the circumstances.*

2. The Claimant pleaded, ***inter alia***:-

- (a) *that he (the Claimant) is an Officer of the National Youth Service with the Rank of **Senior Superintendent**, having served at the NYS since 2007; and that at the time of filing suit he was deployed at the **NYS Para-military Academy in Gilgil.***
- (b) *that the Claimant's duties were administrative in nature, and that his performance over the years was unblemished.*

- (c) that on **2<sup>nd</sup> May, 2025**, Officers from the Ethics and Anti-Corruption Commission (EACC) conducted a search at the Claimant's residence pursuant to warrants issued by the **Anti-Corruption Court in Misc. Criminal Application No. E605 of 2025**; but no formal charges were brought against the Claimant.
- (d) that on **19<sup>th</sup> May, 2025**, the Cabinet Secretary for Public Service, Performance and Delivery Management addressed a letter **Ref No. MPS & HCD.6/4A** to the 1<sup>st</sup> Respondent to furnish, within five days, evidence of disciplinary action against unnamed officers "**suspected**" of conflict of interest and abuse of office under **Sections 42 & 46 of the ACECA and Section 101 of the Penal Code**. That these external directives, not based on any legal findings or commendations from either the EACC or the Public Service Commission (PSC), **became the unlawful foundation of the Claimant's enforced leave and suspension.**

- (e) that the 1<sup>st</sup> Respondent responded the following **(on 20<sup>th</sup> May)** vide a letter **(Ref. NYS/COR/7/90/VOL IV (57))** explaining that the **NYS** had received **no** formal communication or evidence from EACC, and further that Section 32(2) did not concern disciplinary offences.
- (f) that meanwhile, the Claimant was issued with an **enforced leave letter** issued by the 1<sup>st</sup> Respondent **(dated 29<sup>th</sup> May, 2025)**, without giving him (the Claimant) any audience at all or an opportunity to defend himself. That the said enforced leave letter made reference to an **EACC letter dated 28<sup>th</sup> May, 2025 (Ref. EACC/6/21/3 Vol. V 136)**, which was **never** supplied to the Claimant.
- (g) that in a letter dated 5<sup>th</sup> June, 2025 (to the Principal Secretary of the Ministry of Public Service, Performance and Delivery Management), the 1<sup>st</sup> Respondent re-stated constitutional and statutory limits, and explained that the officers were **only** asked to **“step aside on leave”**

pending evidence, and requested Council for guidance.

(h) that without any show-cause notice, charge or hearing, the 2<sup>nd</sup> Respondent (**the NYS Council**) purported to “**suspend**” 3 officers, including the Claimant **for six months “in line with EACC recommendation”**. That the 2<sup>nd</sup> Respondent (**the NYS Council**) had **no** original disciplinary Jurisdiction under Sections 31 and 34 of the NYS Act.

(i) that the suspension letter, (**Ref. NYS/CONF/2007031890**) signed by the 1<sup>st</sup> Respondent, cited **Council Minute 24/2025 and the EACC letter, and imposed a six-month suspension without pay**. That the letter omitted particulars of misconduct as against the Claimant, and offered no avenue for appeal.

(j) that the aforesaid two documents (**the EACC letter dated 28<sup>th</sup> May and the NYS Minute No. 24/2025**) were **never** supplied to the Claimant.

(k) that the 3<sup>rd</sup> Respondent (**the Public Service Commission**), which is the lawful employer with

*disciplinary authority over public officers, was **NEVER** involved in the decision to suspend the Claimant, and has never been part of any disciplinary proceedings against the Claimant.*

3. The suit was filed contemporaneously with an urgent Notice of Motion/application dated 24<sup>th</sup> September, 2025.

**The Notice of Motion dated 24<sup>th</sup> September, 2025**

4. The Claimant seeks the following Orders, at this stage:-

(a) Spent.

(b) Spent.

(c) *That the Court be pleased to issue an order of stay of the suspension letter **Ref.***

***NYS/CONF/2007031890 dated 25<sup>th</sup> June, 2025***

***together with NYS Council Minute 24/2025***

*suspending the Claimant from his position as*

***Senior Superintendent, Supply Chain***

***Division, National Youth Service*** *pending*

*hearing and determination of the claim.*

- (d) *That the Court be pleased to issue an interim order of reinstatement of the Claimant to his position as Senior Superintendent, Supply Chain Division, National Youth Service pending hearing and determination of the claim, with full restoration of salary, benefits and responsibilities.*
- (e) *That the Court be pleased to issue a Conservatory Order restraining the Respondents from commencing or continuing with any process of dismissal, replacement or further adverse action against the Claimant based on the **suspension dated 25<sup>th</sup> June, 2025.***
- (f) *That costs of the application be provided for.*

5. The application sets out on its face some general grounds on which it is brought, and is anchored on the Claimant/Applicant's supporting affidavit sworn on 24<sup>th</sup> September, 2025, which basically re-states the facts pleaded in the Memorandum of Claim filed herein; which I have substantially re-stated in paragraph 2 of this Ruling. The Claimant also filed a further affidavit sworn by himself on 28<sup>th</sup> October, 2025.

6. Documents annexed to the said supporting affidavit include copies of the Claimant's employment letter dated **2<sup>nd</sup> April, 2007**, the Cabinet Secretary's letter to the 1<sup>st</sup> Respondent dated **19<sup>th</sup> May, 2025**, the 1<sup>st</sup> Respondent's letter to the Cabinet Secretary dated **20<sup>th</sup> May, 2025**, the 1<sup>st</sup> Respondent's letter dated **29<sup>th</sup> May, 2025** "**directing the Claimant/Applicant to utilise his leave days from the date of the letter until further communication**", the 1<sup>st</sup> Respondent's letter to the Cabinet Secretary dated **5<sup>th</sup> June, 2025** on "**status update on allegation of embezzlement at NYS College, Gilgil**".
7. Also annexed to the Claimant's supporting affidavit are copies of the **Notice of Suspension of the Claimant/Applicant dated 25<sup>th</sup> June, 2025** and the Public Service Commission Discipline Manual for Public Service (2022).
8. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents opposed the application vide grounds of opposition dated **10<sup>th</sup> October, 2025** on the following grounds:-

(a) *that the application is incompetent, bad in law, an abuse of the Court's process, does not disclose a reasonable cause of action, and that no ground has been advanced to warrant setting aside of the orders dated 24<sup>th</sup> October, 2025.*

(b) *that there was inordinate delay of close to 9 months in bringing the application since dismissal of a petition for non-attendance.*

9. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents also filed a replying affidavit of **James K. Tembur** sworn on 9<sup>th</sup> February, 2026. Documents annexed to the said replying affidavit include a copy of the EACC's letter to the 1<sup>st</sup> Respondent dated 28<sup>th</sup> May, 2025.

10. The 3<sup>rd</sup> Respondent opposed the application vide a replying affidavit of **Paul Famba** sworn on **22<sup>nd</sup> October, 2025**. It is deponed in the said replying affidavit, *inter-alia:-*

(a) *that the National Youth Service is a body corporate established under the **National Youth Service Act, 2018**.*

(b) *that the **NYS Council** is the top most organ responsible for the day-to-day running of the*

*National Youth Service (**Service**); and that the Council's functions in relation to human resource are provided for under Sections 12 and 13 of the **NYS Act**, and include:-*

- (i) to direct and oversee the deployment of the members of the Service as authorised under the Act.*
- (ii) upon application, review penalties imposed on members of the Service after undergoing disciplinary proceedings in accordance with the Act.*
- (iii) recruit members of the Service.*
- (iv) promote members of the Service and staff upon recommendation of the Director-General.*
- (v) develop the criteria for appointments, posting or promotions of senior officers of the Service.*
- (vi) to perform any other functions conferred by the Act or any other written law.*

(vii) to determine salaries of the members of the Service in consultation with the Salaries and Remuneration Commission.

(viii) to determine other terms and conditions of service of members of the Service in consultation with the Public Service Commission.

(c) that the 3<sup>rd</sup> Respondent's Jurisdiction can only be invoked in accordance with **Section 74 of the Public Service Commission Act (Cap. 185 Laws of Kenya) and Regulation 9 of the Public Service Commission (State Corporations and Public Universities (Disciplinary Appeals Procedures) Regulations, 2025.**

(d) that the Claimant's allegation that he is not an employee of **NYS** lacks basis, and is a plot to run away from being held liable to the employer - the 1<sup>st</sup> and 2<sup>nd</sup> Respondents.

(e) that under Regulation 25 of the **Leadership and Integrity Regulations 2025**, an officer who is under investigation may (subject to paragraph 2;

- (a) if the public entity conducting the investigation is the Officer's employer, be suspended by that entity, or*
- (b) if employed by a public entity other than the one conducting the investigation be suspended on the re-recommendation of that public entity.*
- (c) if the commission is conducting the investigation, be suspended on the recommendation of the commission.*
- (d) that under paragraph 2 [of the Regulation], the provision on suspension (paragraph 1) shall apply where the officer is likely to:-*
- (i) conceal, alter, destroy, remove records, documents or evidence.*
  - (ii) intimidate, threaten or otherwise interfere with witnesses.*
  - (iii) interfere with investigations in any other manner.*
- (e) that under paragraph 3, an officer under suspension shall be on half pay pending*

investigations and determination of the allegations made against the officer.

(f) that since suspension is an aspect of disciplinary control and NYS being part of the Public Service, such disciplinary control should be done in conformity with the **Discipline Manual for the Public Service, Revised 2022**; and that **Section 4 of the Manual provides that the same should be commenced and concluded within six (6) months.**

(g) that if any investigations and/or disciplinary action is not concluded **within six (6) months, any further suspension after the initial six months will be unlawful.**

(h) that it is lawful for the EACC to recommend the suspension of a public officer who is under investigation on allegations of Corruption and Economic Crimes pursuant to **Section 42(7) of**

***the Leadership and Integrity Act as read with Regulation 25(1)(c) of the Integrity and Leadership Regulations 2015.***

*(i) that the Claimant/Applicant has not complained that the suspension is without pay.*

11. The application was first placed before me under a Certificate of Urgency on **26<sup>th</sup> September, 2025**. Finding **no** urgency in it, I directed that the same be served; and that responses thereto be filed within specified timelines; and fixed the matter for directions and/or further orders on 13<sup>th</sup> October, 2025.

12. In asking the Court to issue an interim order (**on 13<sup>th</sup> October, 2025**), Counsel for the Claimant submitted that the Claimant's employer, according to his letter of employment dated **2<sup>nd</sup> July, 2007**, was the Public Service Commission; yet the suspension letter dated **25<sup>th</sup> June, 2025** had been issued by the Commandant General of the National Youth Service (**NYS**) and the NYS Council who,

according to the Claimant/Applicant, are strangers as only the Public Service Commission can exercise disciplinary control over public officers such as the Claimant pursuant to **Article 234 of the Constitution of Kenya and Section 65(1) of the Public Service Commission Act (PSC Act)**.

13. In response, Counsel for the 3<sup>rd</sup> Respondent submitted as follows:-

(a) *that the National Youth Service is a state corporation established under the **NYS Act, 2018**.*

(b) *that at the time of the Claimant's employment, NYS was a Department in the Ministry of Youth Affairs, and has since acquired autonomy under the **NYS Act**.*

(c) *that the Public Service Commission (**PSC**) cannot undertake primary HR duties in a state corporation such as disciplinary process, which is the preserve of the NYS Council in the present case.*

(d) *that **Section 74 of the PSC Act** mandates the PSC to hear **appeals** from decisions of Authorised Officers both in State Corporations, Public Universities and County Public Service Boards.*

*That from time to time, the PSC gives guidance on how disciplinary powers/processes are to be exercised/conducted.*

*(e) that the PSC cannot deal with disciplinary issues arising from the shop floor, and still deal with appeals.*

*(f) that the Claimant has pleaded that he is an employee of the NYS.*

*(g) that under the prevailing Regulations, suspended officers get half basic pay, full house allowance and full medical cover.*

14. The Court declined to issue interim orders as sought by the Claimant, but on **4<sup>th</sup> November, 2025 granted an interim order staying an internal promotion process advertised by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents on 14<sup>th</sup> October, 2025, regarding the position of Commandant for which the Claimant had applied, pending hearing and determination of the application.** The said order was given by the Court after hearing oral submissions by Counsel for the parties herein.

15. When the matter came up in Court on **2<sup>nd</sup> February, 2026**, Counsel for the Claimant/Applicant submitted that **the six (6) months' suspension** imposed on the Claimant/Applicant had lapsed on **25<sup>th</sup> December, 2025**. That the Claimant/Applicant had attempted to go back to work on **5<sup>th</sup> January, 2026**, but was turned away by word of mouth, putting him in a state of uncertainty as **the six (6) months' suspension could not be extended** pursuant to the PSC Discipline Manual (2022).
16. Counsel for the 3<sup>rd</sup> Respondent submitted that the Claimant's suspension **was a decision of the EACC**, which was conducting some investigations.
17. Further, when the matter herein came up in Court on **10<sup>th</sup> February, 2026** for purposes of reserving a date for delivery of this Ruling, Counsel for the 1<sup>st</sup> and 2<sup>nd</sup> Respondents told the Court that **according to instructions she had, the suspension imposed on the Claimant/Applicant had neither been lifted nor extended**.

18. Having considered the application, the affidavits sworn in support thereof, the Respondents' respective responses to the application, submissions made orally by Counsel during the proceedings herein and written submissions filed on behalf of the parties herein pursuant to the Court's directions in that regard, issues that fall for determination, in my view, are as follows:-

**(a) Whether the Claimant/Applicant is an employee of the 2<sup>nd</sup> Respondent herein, National Youth Service.**

**(b) Whether the Orders sought by the Claimant/Applicant are deserved.**

19. On the first issue, and as submitted by Counsel for 3<sup>rd</sup> Respondent, National Youth Service (the 2<sup>nd</sup> Respondent) was in the Ministry of State for Youth Affairs (**Department of National Youth Service**) as on 2<sup>nd</sup> April, 2007 when the Claimant/Applicant was employed. The Claimant/Applicant's Letter of Appointment, **issued by the 3<sup>rd</sup> Respondent on the aforesaid date**, is clear on this fact.

20. As further submitted by Counsel for the 3<sup>rd</sup> Respondent, the 2<sup>nd</sup> Respondent, which is now a State Corporation, attained autonomy pursuant to Section 5 of the National Youth Service Act, 2018; and the Claimant thus became an employee (member) of the NYS. The Claimant is not shown to be on secondment by PSC to the 2<sup>nd</sup> Respondent (NYS) pursuant to **Section 31(2) of the NYS Act, 2018.**

21. Under Section 67(1) of the National Youth Service Act (**NYS Act**):-

**“(1) The members of the Service and the staff serving in the former service before the commencement of the Act, shall be deemed to be members and staff of the Service under this Act.”**

22. **Section 2 of the NYS Act** defines **“members of the Service”** as uniformed and disciplined officers listed under the **first schedule of the Act**. Officers listed under the first schedule include those holding the rank of **Senior Superintendent**, the rank held by the Claimant/Applicant.

23. In view of the foregoing, I find and hold that the Claimant/Applicant is an employee of the National Youth Service, the 2<sup>nd</sup> Respondent herein.

24. On the second issue, the 1<sup>st</sup> Respondent wrote to the Claimant/Applicant on **29<sup>th</sup> May, 2025** and addressed him as follows:-

**“RELINQUISHMENT OF OFFICE PENDING INVESTIGATIONS**

Reference is made to the Ethics and Anti-Corruption Commission’s letter Ref. EACC 6/21/3 Vol. V (136) dated 28<sup>th</sup> May, 2025.

. . . In view of the ongoing investigation concerning allegations of corruption, you are hereby directed to utilize your leave days from the date of this letter until further communication.”

25. Vide a subsequent letter dated **25<sup>th</sup> June, 2025**, the 1<sup>st</sup> Respondent addressed the Claimant/Applicant as follows:-

**“NOTICE OF SUSPENSION**

**Reference is made to the letter from the Ethics and Anti-Corruption Commission Ref. No. EACC/6/21/3(136) Vol. V dated 28<sup>th</sup> May, 2025 and decision of the NYS Council during their special meeting held on 24<sup>th</sup> June, 2025 under Min. NYSC 24/2025.**

**This letter serves to formally inform you that you are hereby suspended from duty with effect from 24<sup>th</sup> June, 2025 for a period of six (6) months.”**

26. It is to be noted that both the EACC's alleged letter dated 28<sup>th</sup> May, 2025 and the 2<sup>nd</sup> Respondent Council's Minute No. 24/2025 are not shown to have been availed to the Claimant at the time of suspension, and that a copy of the EACC's mentioned letter was only annexed to the Respondents' replying affidavit filed herein. **Particulars** of the allegations of **corruption** made against the Claimant/Applicant have not been disclosed to this Court, and **do not** appear to have been made available to the Claimant/Applicant **before** or **during** his suspension from duty.

27. Further, the aforesaid suspension notice/letter did not state **the law, contractual provision/clause or Regulation** pursuant to which the suspension was being effected.

28. The National Youth Service (Disciplinary Procedure) Regulations (2021) do not seem to have any provision on suspension of employees/officers/members of the 2<sup>nd</sup> Respondent pending investigations.

29. Regulation 5 of the aforesaid Regulations (on investigation) of employees provides as follows:-

**“(1) On receipt of the complaint under Regulation 4 and after the particulars of the complaint are entered in the appropriate form, the Director General shall designate a member of the service to be an investigating officer and to immediately commence the investigations.**

**(2) An investigating officer under paragraph (1) shall be an officer of a rank superior to the accused officer and with no direct interest in the matter under investigation.**

- (3) An investigating officer to whom a matter has been referred shall commence and conclude the investigations within fourteen days, unless an extension is granted by the Director - General, and cause the evidence to be reduced into writing in the form of an abstract of evidence in Form II set out in the Schedule.
- (4) Where the evidence taken in accordance with paragraph (3) discloses an offence other than the offence which is the subject of the investigations, a charge alleging that offence may be preferred against the accused officer.
- (5) On completion of the investigations, the investigating officer shall compile and forward a report containing the evidence collected and the recommendations to the Director - General.”

30. In the present case, the 1<sup>st</sup> and the 2<sup>nd</sup> Respondents are not shown to have had any complain, **discipline or otherwise,**

against the Claimant, or to have received **any specific complaints against him**. The Claimant is shown to have been suspended on the basis of the EACC's letter said to be dated **28<sup>th</sup> May, 2025**; and is **not shown** to have been subjected to any form of investigations to-date, either by the EACC under the relevant law or by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents pursuant to the foregoing **NYS (Disciplinary Procedure) Regulations**.

31. It is to be noted that the National Youth Service (2<sup>nd</sup> Respondent) is a **uniformed and disciplined service** pursuant to Section 5(1) of the National Youth Service Act, and that its Disciplinary Procedure and Regulations, **were applicable**, cannot be wished away, or subjugated to the general Public Service (Civilian) Disciplinary Regulations. Yes, the NYS is a body corporate and/or a state corporation pursuant to Section 5(2) of the NYS Act, but Section 5(1) states, in clear terms, as follows:-

**“(1) There is established a uniformed and disciplined service to be known as the National Youth Service.”**

32. The Fourth Schedule to the NYS Act sets out **offences against discipline**. These do not include alleged corruption. **Section 33(3) of the NYS Act** provides that a member of the Service who commits an offence **under any other written law shall be liable to proceedings in a Court of law in accordance with the provisions of the law under which the offence is committed**.
33. Blanket allegations of corruption by the EACC are shown to have been the basis of the Claimant's over **six months' suspension from duty**.
34. Although **Section 42(8) of the Leadership and Integrity Act** provides that the EACC shall prescribe disciplinary mechanisms and procedures to be followed in the event of contravention of the Leadership and Integrity Code, those mechanisms and procedures **(which may include suspension from duty under sub-section (7) of the Act)**, must comply with **Article 47 of the Constitution** or any other applicable written law for the time being in force. Under **Sub-section (4) of the Section 42 of the Leadership and Integrity Act**, the officer being

investigated **must be informed by the investigating authority of the complaint made against him, and must be given a reasonable opportunity to make a representation relating to the issue before the investigation is concluded.**

35. As already stated in this Ruling, the Claimant **is not shown to have been informed of the complaint/charge against him, and was not given an opportunity to make a representation before conclusion of the six-months' investigation/suspension period.** The Claimant has to-date **not** been subjected to any Court proceedings, and he has **not** been allowed back to his office, **almost nine (9) months** from the date of his suspension on **24<sup>th</sup> June, 2025.** This is a clear case of violation of the Claimant's right to **fair labour practices pursuant to Article 41(1) of the Constitution.**

36. It is clear from all the foregoing that the Claimant's suspension on **24<sup>th</sup> June, 2025 vide a letter of suspension dated 25<sup>th</sup> June, 2025 was, and still is, both unfair and unlawful. To date, no misconduct or**

**corruption has been demonstrated on the part of the Claimant, and there is absolutely no reason why he should not resume duty.** The administrative action/process to which the Claimant has been subjected to is not expeditious, efficient, lawful, reasonable and procedurally fair; and contravenes his right to fair administrative actions under Article 47(1) of the Constitution.

37. Suspension, **which is a prerogative available to an employer** and is invoked to facilitate investigations into an alleged misconduct or to maintain order in the work place, **is not absolute.** Where it is exercised unfairly, unlawfully or in breach of statutory or constitutional protections, the Court has jurisdiction to intervene and to lift such suspension. The Court will intervene where suspension is imposed without lawful or contractual basis, where suspension violates the employee's right to fair labour practices under Article 41 of the Constitution of Kenya, where suspension is imposed without adherence to due process, or where suspension contravenes the right to fair administrative action pursuant to Article 47(1) of the Constitution.

38. The Court will further intervene where suspension is excessive or indefinite, or where the initial suspension period lapses and the employee is neither charged nor allowed back to work.

39. It was stated in the case of **Joseph Ndungu - vs - Mastermind Tobacco (K) Ltd [2014] eKLR** that an employee cannot be kept on suspension indefinitely, as this would be unfair labour practice.

40. In sum, and having considered written submissions filed on behalf of the parties herein, the Notice of Motion dated 24<sup>th</sup> September, 2025 is hereby allowed in the following terms:-

**(a) the Suspension Letter Ref. NYS/CONF/2007031890 dated 25<sup>th</sup> June, 2025 ,together with NYS Council Minute No. 24/2025 suspending the Claimant from his position as Senior Superintendent, Supply Chain Division, National Youth Service for six (6) months, which period has since lapsed, or whatever remains of them, are hereby stayed, and the Claimant's suspension is hereby lifted**

**pending hearing and determination of the suit herein.**

**(b) The Claimant is hereby restated to his position as Senior Superintendent, Supply Chain Division, National Youth Service with full restoration of salary, benefits and responsibilities, pending hearing and determination of the suit herein.**

**(c) Pending hearing and determination of the suit herein, the Respondents are hereby restrained from commencing or continuing with any process of dismissal, replacement or further adverse action against the Claimant based on the suspension letter dated 25<sup>th</sup> June, 2025 and the 2<sup>nd</sup> Respondent's Minute No. 24/2025.**

**(d) Costs of the application are awarded to the Claimant.**

41. The suit herein shall be fast-tracked, and shall be fixed for hearing.

42. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS**

**24<sup>TH</sup> DAY OF MARCH 2026**

**AGNES KITIKU NZEI**

**JUDGE**

**ORDER**

This Ruling has been delivered via Microsoft Teams Online Platform. A signed copy will be availed to each party upon payment of the applicable Court fees.

**AGNES KITIKU NZEI**

**JUDGE**

Appearance:

Mr. Makori for the Claimant/Applicant

Miss Achieng for the 1<sup>st</sup> and 2<sup>nd</sup> Respondents

Mr. Odukenya for the 3<sup>rd</sup> Respondent