



Kariuki & 16 others v County Government of Kiambu & 2 others (Petition E168 of 2023) [2026] KEELRC 1029 (KLR) (22 April 2026) (Ruling)

Neutral citation: [2026] KEELRC 1029 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
PETITION E168 OF 2023
MN NDUMA, J
APRIL 22, 2026**

BETWEEN

ANTHONY KARIUKI & 16 OTHERS & 16 OTHERS PETITIONER

AND

COUNTY GOVERNMENT OF KIAMBU 1ST RESPONDENT

**THE COUNTY SECRETARY, COUNTY GOVERNMENT OF
KIAMBU 2ND RESPONDENT**

**THE SECRETARY, KIAMBU COUNTY PUBLIC SERVICE
BOARD 3RD RESPONDENT**

RULING

1. This petition was by consent of the parties on 3/3/2025 marked settled and file closed when the Petitioner was represented by Ms. Wambua and Mr. Marago appeared for the Respondent.
2. The court was informed that the interim orders of the court issued on various dates had all been complied with except with respect to the 10th Petitioner and the parties in the consent agreed that the Respondent would comply with orders of the court dated 17/12/2024 with respect to the 10th Petitioner.
3. Subsequently, applications dated 26/2/2025, and 30/5/2025 were filed seeking joinder of intended Petitioners.
4. Two more applications dated 1/9/2025 were filed by two other applicants seeking that the interim orders issued by Rika J. apply to intended 18 Petitioners whereas another application dated 17/9/2025 seek to have same orders apply to 19th intended Petitioner. A further application was filed by intended 20th Petitioner.



5. An application dated 24/9/2025 was filed by Respondents seeking stay of orders granted on 26/2/2025.
6. The court notes that all the intended Petitioners have used this suit which has already been concluded and marked as settled as a platform to commence joinder applications thereafter so as to enjoy post facto the orders of the court.
7. The applicants content in their applications, supporting affidavits and written submissions that the allegation that the petition was marked “settled or closed” was demonstrably false and contrary to the record. That the substantive petition dated 31/8/2023 remains pending and has never been heard or determined in its merit.
8. The respondents are opposed to the applications for joinder filed after the matter was marked settled and file closed stating that this was abuse of court process and seeks vide their application dated 24/9/2025 to have any joinder orders made after the petition was marked settled and file closed be set aside.
9. That these multiple applications constitute blatant abuse of court process having been filed in direct defiance of the court’s express directions issued on 3/3/2025 which orders were predicated upon the orders issued on 17/12/2024 which effectively marked this suit as settled and the file closed.

The twin issues for determination are:-

- a. Whether the petition was marked settled and file closed, by consent of the parties on 3/3/2025.
 - b. Whether subsequent applications for joinder filed post the said orders by intended interested parties constitute abuse of court process and should be struck out and any orders issued pursuant to these applications be set aside.
10. In answer to the twin questions above the court was referred to the principle of finality in litigation which is a cornerstone of our judicial system that there must be an end to litigation. The Latin maxim states:

“Interest reipublice ut sit finis litium” translates to (“it is in the interest of the state that there be an end to litigation.”)
 11. In *John Florence Maintaining Services Limited and another v Cabinet Secretary for Transport and Infrastructure and 3 others* [2021] eKLR, the Supreme Court of Kenya restated this principle that public interest requires that litigation must come to an end. The court condemned the practice of re-agitating issues that have been conclusively determined, terming it an abuse of the court process and a violation of the principle of finality.
 12. That the court has inherent powers to prevent abuse of court process under section 3A of the *Civil Procedure Act*, Cap 21 Laws of Kenya read with section 63(a) of the said Act which vests the court with power to issue orders necessary for the ends of justice or to prevent the abuse of the court process.
 13. The power of the court to join parties to a suit under Order 1 may only be exercised during the pendency of the suit and the court lacks jurisdiction to order joinder of a plaintiff, in this case, a Petitioner, post judgment or final orders of the court.
 14. The Applicants herein have filed their applications on the false premise that this suit was not marked as settled by consent of the parties and file closed. Nothing could be further from the truth. The record of the court is clear and the court reiterates that on 3/3/2025, M/s. Wambua for all the Petitioners told



the court that compliance with the court orders issued by Rika J. initially on 22/9/2023 and restated by Nduma J. in the Ruling on contempt of court on 26/9/2024 had all been complied with except with respect to the 10th Petitioner. M/s. Wambua prayed as follows: -

“The file may be closed but 10th Petitioner be reinstated also.”

Mr. Marago for the Respondents stated before court that: -

“File may be marked as ‘closed’ and added

“I relayed the information regarding the 10th Petitioner.”

The court proceeded to make the following orders

“Order

The orders of the court have been complied with except with regard to the 10th Petitioner. The Respondent to comply with orders of the court dated 17/12/2024 in respect of the 10th Petitioner. The matter is marked as settled and the file closed subject to compliance with that directive within 14 days.”

15. Clearly, the applications seeking joinder past 3/3/2025 are based on a false understanding depicted in the written submissions by the Applicants dated 11/11/2025 at paragraph 2.2 that

“That contention that the matter was “settled or “closed” is demonstrably false and contrary to the record...”

16. This contention by the Petitioners/Applicants is mis-conceived if not deliberate falsification of the status quo in this matter.

17. Accordingly, all the applications by intended Petitioners jointly heard are misconceived and are an abuse of the court process and same are dismissed with each party to bear their own costs of their application.

DATED AT NAIROBI THIS 14TH DAY OF APRIL 2026

MATHEWS NDUMA

JUDGE

DATED, SIGNED AND DELIVERED IN OPEN COURT AT NAIROBI THIS 22ND DAY OF APRIL 2026

DR. GAKERI J.

JUDGE

Appearances:

Mr. Omoiti for Claimant

Mr. Keino for Respondent

Mr. Kemboi – Court Assistant

