

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR  
RELATIONS COURT AT NAKURU  
CAUSE NUMBER E031 OF 2025**

**BETWEEN**

KENYA UNION OF COMMERCIAL, FOOD AND  
ALLIED WORKERS .....CLAIMANT

**VERSUS**

KIRANDICH WATER AND SANITATION COMPANY  
LIMITED .....RESPONDENT

**RULING**

1. The Claim herein is brought by the Claimant Union, on behalf its 8 members, former Employees of the Respondent.
2. The Claimant pursues compensation for unfair termination and terminal benefits, on behalf of its members.
3. The Respondent filed a Notice of Preliminary Objection, disputing the jurisdiction of the Court, under Section 77 of the County Governments Act.
4. It is the position of the Respondent that its Employees, including the Claimant's members on whose behalf the Claim is presented, are county public servants, whose employment disputes are primarily heard by the Public Service Commission, under Section 77 of the County Governments Act. The Court does not have jurisdiction to hear the Claim.

5. The Claimant's response is that its members were employees of the Respondent, not Baringo County Public Service Board, and were not governed by the County Governments Act, or the Public Service Commission Act.
6. Neither Section 77 of the County Governments Act, nor Section 87[2] of the Public Service Commission Act, require the Claimant to submit its members' dispute, to the Public Service Commission. The Claimant urges the Court to take cognisance of the dispute.
7. Parties agreed that the objection is considered on the strength of their affidavits and submissions. The Claim was last mentioned on 24th February 2026, when the Claimant confirmed filing and service of its affidavit and submissions. The Respondent was absent.

**The Court Finds: -**

8. This Court recently had an opportunity to consider the same issue whether it: or the Public Service Commission of Kenya, is seized with jurisdiction, to hear and determine employment disputes, involving Employees of the Respondent. Are these Employees, county public servants, and are their terms and conditions of service, subject to the County Governments Act and the Public Service Commission Act?

9. In **Toroitich v. Kirandich Water Company Limited [2026] KEELRC 259 [KLR]**; and, **Cheruyiot v. Kirandich Water Company Limited [2026] KEELRC 254 [KLR]**, it was held: -
- a. Employees of the Respondent are county public servants, as described by the Water Services Regulations, 2021.
  - b. The Respondent is a vehicle for discharge of public service functions, wholly owned by the County Government of Baringo, pursuant to Section 77 of the Water Act.
  - c. Section 77 of the County Governments Act and Section 85 of the Public Service Commission Act deprives this Court of jurisdiction, in disputes involving Employees of the Respondent.
  - d. Section 89[1] of the Public Service Commission Act, confers only enforcement jurisdiction to the E&LRC, after the Public Service Commission, has rendered its decision on appeal.
10. The Court shall therefore adopt the two previous decisions cited above on the issue, and uphold the objection.

**IT IS ORDERED:** -

- a. ***The preliminary objection is sustained.***
- b. ***The Claim is declined for want of jurisdiction.***

c. ***No order on the costs.***

Dated, signed and delivered electronically at Nakuru, under Rule 68[5] of the E&LRC [Procedure] Rules, 2024, this 30th day of April 2026.

James Rika  
Judge

A handwritten signature in blue ink, consisting of a stylized initial 'J' followed by a series of connected loops and a long horizontal stroke at the end.