



IN THE COURT OF APPEAL

AT NYERI

(CORAM: KANTAL, JA (IN CHAMBERS))

CIVIL APPLICATION NO. 133 OF 2019

BETWEEN

THE UNIVERSITY OF ELDORET.....1ST APPLICANT

THE VICE-CHANCELLOR, UNIVERSITY OF ELDORET ...2ND APPLICANT

AND

HOSEA SITIENEI.....1ST RESPONDENT

PROFESSOR EZEKIEL KIPROP.....2ND RESPONDENT

THE CABINET SECRETARY FOR

EDUCATION SCIENCE & TECHNOLOGY.....3RD RESPONDENT

ATTORNEY GENERAL.....4TH RESPONDENT

(Being an application for leave to file a notice of appeal and record of appeal from the Judgment of the Employment and Labour Relations Court of Kenya at Nakuru (Mbaru, J.) delivered on 9th July, 2019 in ELRC Petition No. 3 of 2019 as consolidated with ELRC Petition No. 4 of 2019)

RULING

I note that the Motion dated 6th August, 2019 asked for extension of time to file notice of appeal out of time.

There is a Notice of Withdrawal of Motion dated 25th June, 2020 by **M/S G & A Advocates LLP** for applicants copied to the respondents.

I have power under **rule 4** of the **rules of this Court** to deal with an application for extension of time. I think that power extends to dealing with an application to withdraw such a Motion. In the event the Motion dated 8th August, 2019 be and is hereby marked as withdrawn under rule 52 of the rules of this Court. I make no order as to costs.

Dated and delivered at Nairobi this 7th day of August, 2020.

S. ole KANTAI

JUDGE OF APPEAL

I certify that this is a true copy of the original.

Signed

DEPUTY REGISTRAR