



**Ogaro v Nyayo Tea Zones Development Corporation & another (Petition E178 of 2024) [2025] KEELRC 458 (KLR) (21 February 2025) (Ruling)**

Neutral citation: [2025] KEELRC 458 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
PETITION E178 OF 2024  
B ONGAYA, J  
FEBRUARY 21, 2025**

**BETWEEN**

**BRIAN OMOKE OGARO ..... PETITIONER**

**AND**

**NYAYO TEA ZONES DEVELOPMENT CORPORATION ..... 1<sup>ST</sup> RESPONDENT**

**PUBLIC SERVICE COMMISSION ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The petitioner and the 1<sup>st</sup> respondent recorded a consent in Court on 17.12.2024 allowing the impugned recruitment to proceed with participation of the petitioner. The petition was marked settled accordingly subject to parties submitting on the issue of costs of the petition.
2. Yeli & Company Advocates for the 1<sup>st</sup> respondent submit that in view of the consent settling the dispute and in promotion of amicable relationship between the parties, each party to bear own costs. It is submitted for the 1<sup>st</sup> respondent that the Court should consider that the 1<sup>st</sup> respondent lost time when an interim order stopping the recruitment in issue was in place and prior to parties recording a consent.
3. Mr. Namada Simoni Advocate for the petitioner submits that interim order issued demonstrated that the petitioner had a meritorious case. Further, the 1<sup>st</sup> respondent was obligated to ensure that the recruitment was in accordance with the law.
4. The Court has considered the rival submissions and returns that parties having compromised the dispute and the parties being in a continuing relationship including the petitioner’s participation in the recruitment process, and, the terms of the settlement consent order being in favour of the petitioner, Kshs. 50,000.00 being in favour of the petitioner and payable by April 1, 2025 as partial costs will balance justice for the parties. Orders to issue accordingly.



**SIGNED, DATED AND DELIVERED BY VIDEO-LINK AND IN COURT AT NAIROBI THIS  
FRIDAY 21ST FEBRUARY, 2025**

**BYRAM ONGAYA, PRINCIPAL JUDGE**

