



Rono v National Police Service Commission & another (Petition E088 of 2024) [2025] KEELRC 702 (KLR) (6 March 2025) (Ruling)

Neutral citation: [2025] KEELRC 702 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
PETITION E088 OF 2024
MN NDUMA, J
MARCH 6, 2025**

BETWEEN

ALEXANDER KIPKEMOI RONO PETITIONER

AND

NATIONAL POLICE SERVICE COMMISSION 1ST RESPONDENT

HON ATTORNEY GENERAL 2ND RESPONDENT

RULING

1. The petition dated 5/6/2024 by the Petitioner against the 1st and 2nd Respondents seeks the following reliefs:-
 - a. That this petition be allowed.
 - b. That the purported deployment of the Petitioner vide letter reference number KPS/DIG/SEC/HRM/5/2/VOLXII/73 dated 22nd April 2024 from Traffic Nairobi Area to Narorumu Police Station be and is hereby quashed.
 - c. That an order compelling the 1st Respondent only to deploy the Petitioner only within close proximity of Nairobi Area to enable the Respondent take care of his ailing mother.
 - d. That an order compelling the 1st Respondent not to deploy the Petitioner to work stations where Petitioner's health is at risk in line with doctor's recommendations.
 - e. That the 1st Respondent be compelled to bear the costs of this petition.
2. The 1st Respondent filed grounds of opposition to the petition dated 29/7/2024 set out as follows:-
 1. That the Petitioner was deployed which is the temporary movement of an officer from one station to another station to undertake a specific assignment which is the mandate of the Inspector General of Police as prescribed under National Police Service Section 10(1)(g),



National Police Service Commission (Transfers and Deployments) Regulations Regulation 8(1) and National Police Service Standing Orders Chapter 71 12(1)(2).

2. That the Petitioner herein has omitted to frame its case with reasonable precision against the 1st Respondent as required under the High Court’s pronouncement in case of Anarita Karimi Njeru versus The Republic (1976-1980) KLR 1272, hence the petition against the 1st Respondent fails the requirement as;
 - i. It does not enumerate the alleged constitutional provisions infringed or violated by the 1st Respondent;
 - ii. It does not set out the manner in which the 1st Respondent has infringed or violated the Petitioner’s rights.
3. That therefore the petition/application herein filed is an abuse of the court process.
3. Further, the 2nd Respondent prays to be struck out of the suit in that the 1st Respondent is an independent legal entity and no cause of action is disclosed against the Hon. Attorney General who represents Government in court but not independent constitutional organs such as the 1st Respondent.

The court will not be-labour the matter raised by the Hon. Attorney General since, the 1st Respondent has always, appeared before this court vide their appointed counsel and not the Hon. Attorney General. There is no cause of action disclosed against the Hon. Attorney General therefore in this matter and the 2nd Respondent is struck off the proceedings.
4. The Petitioner has set out particulars of violation under part D of the petition being paragraphs 23 to 28 of the petition. The Petitioner has not expressly cited any provision of the constitution under this part of the petition.

The Petitioner has also not sought the court to find that the Respondents have violated any expressly stated provision of the constitution under the reliefs sought in the petition.

The court is therefore persuaded by the 1st Respondent that the Petitioner has not satisfied the requirements set out in the case of Anarita Karimi Njeru versus The Republic (1976-1980) KLR 1272 restated in the case of Mumo Matemu v Trusted Society of Human Rights Alliance & 5 others [2013] eKLR where the Court of Appeal held that;

‘The petition before the High Court referred to Articles 1, 2, 3, 4, 10, 19, 20 and 73 of the constitution in its title. However, the petition provided little or no particulars as to the allegations and the manner of the alleged infringements. For example, in paragraph 2 of the petition, the 1st respondent averred that the appointing organs ignored concerns touching on the integrity of the appellant. No particulars were enumerated. Further, paragraph 4 of the petition alleged that the Government of Kenya had overthrown the constitution, again, without any particulars. At paragraph 5 of the amended petition, it was alleged that the respondents have no respect for the spirit of the constitution and the rule of law, without any particulars. We wish to reaffirm the principle holding on this question in Anarita Karimi Njeru (supra). In view of this, we find that the petition before the High Court did not meet the threshold established in that case. At the very least, the 1st respondent should have seen the need to amend the petition so as to provide sufficient particulars to which the respondents could reply. Viewed thus, the petition fell short of the very substantive test to which the High Court made reference to.



5. Accordingly, the petition does not disclose with precision the violations to be addressed by the court and specific reliefs sought.

To this extend the grounds of opposition by the 1st Respondent are upheld and the petition struck out. No order as to costs.

DATED AT NAIROBI THIS 6TH DAY OF MARCH 2025

MATHEWS NDUMA

Judge

Appearance:

Ms. Somaiya for Petitioner

Ms. Chebet for 1st Respondent

Ms. Mochoge for 2nd Respondent

Mr. Kemboi – Court Assistant

