



**Desmond Leteipa Silei t/a Leteipa Silei Law Advocates v Bomet County Public Service Board
(Miscellaneous Application E001 of 2024) [2025] KEELRC 1878 (KLR) (27 June 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1878 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KERICHO
MISCELLANEOUS APPLICATION E001 OF 2024**

**J RIKA, J
JUNE 27, 2025**

BETWEEN

**DESMOND LETEIPA SILEI T/A LETEIPA SILEI LAW
ADVOCATES APPLICANT**

AND

BOMET COUNTY PUBLIC SERVICE BOARD RESPONDENT

RULING

1. There are two applications filed by the respective parties, which come for ruling today.
2. The 1st, in order of their filing, is dated 3rd December 2024. It is filed by the Advocate.
3. There are 3 main orders sought by the Advocate: [a] that, the certificate of costs dated 23rd May 2024 for Kshs. 6,631,429.98 arising from taxation of the Advocate-Client Bill of Costs dated 24th April 2024, be adopted as a Judgment of this Honourable Court; [b] that, Judgment is entered for the Applicant against the Respondent for the sum of Kshs. 6,631,429.98, as taxed and certified in the certificate of cost; and [c], that the Applicant be awarded interest at 14% per annum on the taxed costs from 24th May 2024, being the 30th day after service of the Bill of Costs upon the Respondent, until full payment, pursuant to Rule 7 of the Advocates Remuneration Order.
4. The application is founded on the affidavit of the Advocate, Desmond Leteipa Silei, sworn on 2nd December 2024.
5. It is opposed through the affidavit of Acting Chief Executive Officer of the Respondent, Emmy Chesang, sworn on 13th December 2024.
6. The 2nd application is filed by the Client / Respondent. It is dated 9th January 2025. It is founded on the affidavit of the Respondent’s Counsel, Chepng’eno Milcah, and a further affidavit of Emmy Chesang, sworn on 5th May 2025.



7. The Client prays for orders that: proceedings are stayed pending finalization of the application; the Client is granted leave to appeal against the ruling of the Court dated 26th November 2024; and proceedings are stayed, pending finalization of the intended appeal.
8. The Advocate opposes the Respondent's application, through grounds of opposition dated 28th April 2025, and his replying affidavit sworn on even date.
9. The applications were consolidated by the Court on 29th April 2025, when the Court also directed that the parties file and exchange written submissions within 21 days, with the ruling reserved for today.

The Court Finds:

10. The Court has an obligation to find a delicate balance, between the two applications. The right of the Advocate must be balanced against the right of the Respondent, to have audience at the Court of Appeal.
11. It is noted that the Bill of Costs was taxed over 1 year ago, on 23rd May 2024; the Respondent did not participate in taxation and sought leave to object to the Bill of Costs, through an application dated 8th July 2024, which was declined by the Court, in the ruling dated 26th November 2024; the Respondent filed a notice of appeal dated 3rd December 2024; and the Respondent filed an application at the Court of Appeal Nakuru, seeking leave to appeal, which was withdrawn with the consent of the parties.
12. Against this backdrop, the Advocate's right to his taxed costs, must therefore be weighed carefully against the Respondent's right of access to the appellate jurisdiction.
13. Having carefully evaluated the affidavits filed by the parties, and in the interest of justice, it is ordered: -
 - a. The certificate of costs dated 23rd May 2024 for Kshs. 6,631,429.98, issued pursuant to taxation of the Advocate-Client Bill of Costs dated 24th April 2024, is adopted as a Judgment of the Court.
 - b. The prayer for interest on the decretal sum, at the rate of 14% per annum, effective 29th May 2024 is allowed, in accordance with Rule 7 of the Advocates Remuneration Order.
 - c. Orders of stay of execution of the decree, and leave to appeal against the ruling of the Court dated 26th November 2024, are granted to the Respondent on the condition that: -
 - (i) the whole decretal sum of Kshs. 6,631,429.98 is deposited in Court within 30 days of this ruling.
 - (ii) Upon deposit of security, the Respondent shall have leave of 30 days, from the date deposit is made, to file its appeal against the ruling dated 26th November 2024.
 - d. In default of any condition, all the orders under paragraph [c] shall automatically lapse, and the Advocate placed at liberty to execute.
 - e. No order on the costs of the two applications.

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT KERICHO, THIS 27TH DAY OF JUNE 2025.

JAMES RIKA

JUDGE

