



Kenya County Government Workers Union v County Government of Kiambu & 6 others (Cause E234 of 2025) [2025] KEELRC 1778 (KLR) (19 June 2025) (Ruling)

Neutral citation: [2025] KEELRC 1778 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E234 OF 2025**

**S RADIDO, J
JUNE 19, 2025**

BETWEEN

KENYA COUNTY GOVERNMENT WORKERS UNION CLAIMANT

AND

COUNTY GOVERNMENT OF KIAMBU 1ST RESPONDENT

**COUNTY PUBLIC SERVICE BOARD, COUNTY GOVERNMENT OF
KIAMBU 2ND RESPONDENT**

**CHIEF OFFICER, FINANCE COUNTY GOVERNMENT OF
KIAMBU 3RD RESPONDENT**

**COUNTY EXECUTIVE COMMITTEE MEMBER, FINANCE COUNTY
GOVERNMENT OF KIAMBU 4TH RESPONDENT**

**COUNTY SECRETARY, COUNTY GOVERNMENT OF KIAMBU 5TH
RESPONDENT**

GOVERNOR, COUNTY GOVERNMENT OF KIAMBU 6TH RESPONDENT

PUBLIC SERVICE COMMISSION 7TH RESPONDENT

RULING

1. The Kenya County Government Workers Union (the Union) sued the 7 Respondents on 25 March 2025, alleging violation of several constitutional rights, unfair termination of employment and breach of contract.
2. Filed at the same time was a Motion seeking orders:
 - i. ...



- ii. THAT a temporary injunction do issue against the 1st to 6th Respondents, their agents, officers or persons acting under their instruction prohibiting them from interviewing, recruiting and/or employing replacement labour and/or employees in the same position, or to perform the same or similar work as the Claimant's members pending hearing and determination of the application.
 - iii. THAT a temporary injunction do issue against the 1st to 6th Respondents, their agents, officers or persons acting under their instruction prohibiting them from interviewing, recruiting and/or employing replacement labour and/or employees in the same position, or to perform the same or similar work as the Claimant's members pending hearing and determination of the Claim.
 - iv. THAT a temporary injunction do issue against the 1st to 6th Respondents, their agents, officers or persons staying the termination of the Claimant's members' pending hearing and determination of the application.
 - v. THAT a temporary injunction do issue against the 1st to 6th Respondents, their agents, officers or persons staying the termination of the Claimant's members' pending hearing and determination of the Claim.
 - vi. THAT costs of this application be provided for.
3. The main grounds in support of the Motion were that 200 members of the Union who were employees of the County Government of Kiambu and served from 2002 to 2023 became permanent employees by operation of the law; the County Government of Kiambu had failed to remit statutory contributions in respect of the employees to the National Social Security Fund and National Hospital Insurance Fund; the County Government had failed to remit Pay As you Earn tax to the Kenya Revenue Authority; the County Government of Kiambu had failed to pay salaries consistently; the County Government of Kiambu had discriminated on pay; the County Government was in breach of contract in respect to annual leave; that despite lapse of some contracts in September 2022, the County Government had allowed some of the members to continue working but did not pay: the County Government had unlawfully dismissed the members verbally; the County Government did not involve the Union in the dismissals; the County Government had failed to pay terminal benefits/dues; the Respondents had violated the employees right to fair administrative action, fair labour practices and due process; that the employees appealed to the Public Service Commission but the appeals were dismissed and that the Public Service Commission had delayed in determining an application for review.
 4. The Court gave directions on the Motion on 26 March 2025 and 12 May 2025.
 5. The Union filed its submissions on 4 April 2025, and the Public Service Commission entered an appearance on 12 May 2025.
 6. The Union set out the Issues arising as:
 - i. Whether the Claimant has a prima facie Case?
 - ii. Whether the Claimant will suffer irreparable harm?
 - iii. Whether the Claimant has established a balance of convenience?
 7. Despite the directions, the Respondents did not bother to file responses and submissions to the Motion.



8. The Court has considered the Motion, affidavit in support and submissions on record and makes the following determinations.
9. One, there is no affidavit of service on record to demonstrate that the 1st to 6th Respondents were served with the Motion under consideration.
10. Two, proposed orders (ii) and (iv) were seeking ex-parte orders, which became spent when the Court did not grant the same at the ex-parte hearing stage. The orders have been overtaken by events.
11. Three, the Union members appear to have been dismissed from work in 2022, over 2 years ago. It would not be legally prudent for the Court to stay the dismissals now.
12. Four, staying the dismissals which apparently occurred over 2 years ago at an interlocutory stage without a hearing on the merits would amount to the Court micromanaging the Respondents and interfering with their human resource managerial prerogative.
13. Lastly, the Union has not demonstrated that it attempted to have the dispute resolved as contemplated by Part VIII of the *Labour Relations Act*, which provides for the conciliation of trade disputes.

Orders

14. The Motion dated and filed in Court on 25 March 2025 is found without merit, and it dismissed with no order on costs.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 19TH DAY OF JUNE 2025.

RADIDO STEPHEN

JUDGE

Appearances

For Claimant James Oketch & Co Advocates

For 1st – 6th Respondents did not participate

For 7th Respondent Wangeci Gichangi, Assistant Director, Legal Services

Court Assistant Wangu

