



Rotich & 4 others v Teachers Service Commission & 4 others (Petition E008 of 2024) [2025] KEELRC 2385 (KLR) (29 August 2025) (Judgment)

Neutral citation: [2025] KEELRC 2385 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
PETITION E008 OF 2024**

**J RIKA, J
AUGUST 29, 2025**

BETWEEN

**PAUL KIPCHUMBA ROTICH 1ST PETITIONER
WILLIAM LENGOYIAP 2ND PETITIONER
ROBERT MIANO 3RD PETITIONER
PETER OLUOCH 4TH PETITIONER
JENTRIX OGOLA 5TH PETITIONER**

AND

**TEACHERS SERVICE COMMISSION 1ST RESPONDENT
ETHICS & ANTI-CORRUPTION COMMISSION 2ND RESPONDENT
KENYA NATIONAL UNION OF TEACHERS [KNUT] 3RD RESPONDENT
KENYA UNION OF POST-PRIMARY EDUCATION TEACHERS
[KUPPET] 4TH RESPONDENT
THE CEO TEACHERS SERVICE COMMISSION 5TH RESPONDENT**

JUDGMENT

1. The Petitioners filed their Petition dated 17th April 2024.
2. The Petition is principally founded on the affidavit of William Lengoyiap, the 2nd Petitioner herein, sworn on 17th April 2024, and a further affidavit sworn on 30th January 2025. It is also founded on the grounds, stated in the face of the Petition.
3. The Petitioners describe themselves as officials of 4th Respondent [KUPPET]. They serve in various branches.



4. The 1st and 2nd Respondents are Commissions, established under *the Constitution*. The 3rd Respondent is a trade union, representing teachers. The Petitioners are not members of the 3rd Respondent. The 4th Respondent is their trade union. The 5th Respondent is the Chief Executive Officer of the Employer, the 1st Respondent Commission.
5. The Petitioners state that as officials of the 4th Respondent, they discharge various roles. They among other roles, collect grievances from the 4th Respondent's members, which they channel to the 4th Respondent.
6. They state that in early 2019, the 1st Respondent started deducting Kshs. 200 monthly, from every female teacher's salary. The teachers were not advised why the deductions were made, and to whom they were paid. The deductions were indicated as "SWA" in the teachers' payslips.
7. The female teachers complained to the Branch Officials of the 3rd and 4th Respondents. The Branch Officials informed the respective National Offices.
8. It is submitted that after the complaints were raised, the 1st Respondent introduced an 'exit button,' to enable the members of the 3rd and 4th Respondent exit the trade unions, as a condition for them to benefit from the 3rd phase of salary increment.
9. The 3rd and 4th Respondents took no steps to protect their members. As result, more and more female teachers were subjected to 'SWA' deductions.
10. Illegal deductions were brought to the attention of the 2nd Respondent, who has failed to investigate and take appropriate action.
11. The Petitioners state that deductions started after the serving CEO assumed office, and that the CEO or the 1st Respondent, had personal interest in the deductions.
12. The Petitioners aver that the Respondents have severally and jointly violated Articles 10, 19 [a] [b], 25[b], 27, 28,30,35,36,41,43,46 of *the Constitution*; and Sections 17 [10][b], 17[11], 19[1][g], 20[1] [2] and 25[1] of the *Employment Act*.
13. The Petitioners state that the dispute is not the subject of any other court proceedings, pending or decided.
14. Their prayers are: -
 - a. Declaration that deductions of Kshs. 200 monthly are unlawful and unconstitutional.
 - b. Finding that failure by the 2nd Respondent to investigate the complaint, is in violation of the female teachers' right to information under Article 35 of *the Constitution*.
 - c. Finding that by deducting Kshs. 200 monthly from the female teachers' salaries, the 1st and 5th Respondents have violated the female teachers' rights under Article 40 of *the Constitution*.
 - d. Finding that forceful enrolment of the female teachers into unknown entity, and deduction of Kshs. 200 monthly from their salaries violates the teachers' rights under Article 36 of *the Constitution*.
 - e. Finding that by forcefully making the deductions above, the Respondents have violated the teachers' rights under Article 46 of *the Constitution*.
 - f. Finding that by forcefully making the deductions above, the Respondents have violated the teachers' rights under Article 43 of *the Constitution*.



- g. Finding that deduction has resulted in the teachers taking home less than what they were supposed to take, and is in violation of Article 30 read with Article 28 of *the Constitution*.
 - h. Finding that the teachers suffered financial embarrassment and injustices.
 - i. Declaration that the female teachers reserve the right to choose which Union to subscribe to.
 - j. Refund of the deducted amounts to the affected female teachers, from the year 2019.
 - k. The 2nd Respondent is directed to assist in tracing and recovering all the money illegally deducted.
 - l. Prohibition against the 1st and 5th Respondents, from further forceful deductions.
 - m. Prohibition against the 1st and 5th Respondents, from using the ‘exit button’ as a tool for intimidating teachers and/ or destabilizing the 3rd and 4th Respondents, by forcing members to exit.
 - n. The 1st and 5th Respondents be restrained from taking punitive action against the Petitioners for filing this Petition.
 - o. The Respondents be condemned to meet the costs of the Petition.
 - p. Interest on [m] from the date of Judgment, till payment in full.
15. Prayer [m] is not a monetary prayer, and it is not clear how it is to attract interest.
 16. The Petition is opposed.
 17. The 1st and 5th Respondents rely on the affidavit of Evaline Mitei, acting Director of Human Resource Management, sworn on 20th May 2024 and further affidavit of Kenneth Marangu, also described as acting Human Resource Director, sworn on 24th January 2025. They state that the Petitioners’ grievances are not anchored on *the Constitution*; they are based on contract.
 18. The 1st Respondent is mandated by Section 11[d] of the *Teachers Service Commission Act*, 2012 to manage the payroll of teachers in its employment. It is committed to managing the payroll and protecting the salaries of its over 450,000 teachers countrywide. Allegations of unauthorized deductions levelled against the Respondents by the Petitioners, are without foundation.
 19. The 1st Respondent operates an online T-pay system, to enable teachers manage 3rd party transactions. Through this platform, teachers have the ability to discontinue or stop, any deduction that is unauthorized. Nothing precludes any teacher, who is subjected to unauthorized deductions, to stop deductions. The process is self-executing.
 20. None of the purported female teachers, has ever complained to the 1st and 5th Respondents, about authorized deductions.
 21. Teachers individually or collectively through their trade unions, engage in voluntary financial transactions, through the check-off system. They approve these transactions strictly, in compliance with section 19[g] of the *Employment Act*.
 22. The teachers made a request to the 1st Respondent, through their trade unions, for a deduction known as Social Welfare Association [SWA]. It is a voluntary deduction, made to help teachers pool resources for their social welfare issues. Deductions are made from teachers who have authorized the 1st Respondent to do so. The funds are remitted to specified associations or groups, as mandated by the teachers.



23. The Petitioners' allegations about unauthorized deductions confined to female teachers, are misleading. T-pay system is configured to request for highly private information, including the One Time Password [OTP], from individual teachers. A teacher's payroll transaction cannot be accessed by 3rd parties, including the 1st Respondent. The allegation that deductions coincided with the appointment of the 5th Respondent as CEO, is spurious and unwarranted.
24. The 5th Petitioner personally requested and approved, Kshs. 200 deduction, in favour of Kenya Women Teachers Association [KEWOTA] in June, 2019. She has not filed any complaint in her personnel file or attempted to stop the deduction.
25. The 1st and 5th Respondents state that the Petitioners have no capacity to bring the Petition on behalf of the so-called female teachers. They are not privy to the teachers' contracts of employment. They have no relationship with the Social Welfare Associations, to whom the authorized deductions are remitted. They do not have any recognition or collective bargaining agreement with the 1st Respondent. They cannot litigate terms and conditions of employment of teachers.
26. The declaratory orders cannot issue against innocent parties; no evidence of violation has been placed before the Court; and the orders sought would stop deductions to Social Welfare Associations, to the detriment of the teachers.
27. The 2nd Respondent relies on Grounds of Opposition, dated 17th May 2024. Its position is that it acted promptly on the complaint filed by the Petitioners. It conducts its investigations independently. The order sought by the Petitioner would amount to interfering with this independence. The 2nd Respondent cannot be directed in its conduct of investigations.
28. The Court has not been able to trace the response and submissions by the 3rd Respondent in the file.
29. The 4th Respondent relies on the affidavit of its Deputy Secretary-General, Moses Nthurima, sworn on 9th May 2024.
30. He explains that Article 4.0 [m] of the 4th Respondent's constitution, encourages teachers to form savings and credit societies. They have Social Welfare Associations. They are involved in burial and benevolent funds, academic institutions, land buying companies and other social welfare initiatives. The 4th Respondent's constitution encourages such initiatives.
31. The 4th Respondent's national governing council welfare guidelines, dated 1st May 2023, provide for burial and benevolent fund [BBF]. The 4th Respondent adopted the guidelines, authorizing the 1st Respondent to deduct contributions to the fund. The 4th Respondent is mandated to receive the funds.
32. BBF was introduced following the outbreak of Covid-19. The 4th Respondent's annual delegates conference, held on 3rd April 2021, resolved that a deduction of Kshs. 200 is made from members' salaries monthly, and remitted to the fund. The Secretary-General communicated the resolution to the 1st Respondent for implementation.
33. Kakamega and Vihiga branches were exempted, because they had their own unique social welfare mechanisms.
34. The Petitioners are officials of the 4th Respondent, conversant with the deduction and its history. If they were aggrieved, or did not agree with the deduction, they ought to have registered their grievance or disagreement at the annual delegates conference.



35. The deductions are not discriminative. They apply voluntarily, to female and male teachers. The 4th Respondent exhibits sample pay slips of teacher Wanjiku Eros Wambui, and teacher Daniel Njuguna, female and male respectively, showing monthly deductions of Kshs. 200 towards welfare. The national governing council welfare guidelines, apply gender neutral language.
36. The 4th Respondent states that the Petitioners, as officials of the 4th Respondent, have not exhausted internal grievance and dispute handling procedure. The 4th Respondent does not understand why the 2nd Respondent has been sued.
37. The 4th Respondent characterizes the 2nd Petitioner as a trouble-maker, who has gone on a litigation spree against the 4th Respondent, having filed a similar Petition at the E&LRC Malindi, Petition No. E008 of 2024 with exactly the same contents as the Petition herein; and Meru E&LRC JR E001 of 2024, which is awaiting determination.
38. Parties agreed that the Petition is considered and determined on the strength of their pleadings, affidavits, documents and submissions.
39. The issues are whether: the Petitioners have capacity to present the Petition; whether deduction made on the teachers' salaries is illegal or irregular; and whether the prayers sought are merited.

The Court Finds:-

40. The Petitioners describe themselves, at paragraph 1 of the Petition, as branch officials of the 4th Respondent, KUPPET.
41. Petitioners' capacity, to bring this Petition, involves examining the KUPPET constitution and rules; the *Labour Relations Act*; and lastly *the Constitution* of Kenya.
42. Article 22.0 [e] of the 4th Respondent constitution and rules states that, " no branch/member shall move to Court on any matter committing the branch /union on any cause, unless authorized by the Secretary-General. "
43. The Petitioners are seeking a multiplicity of orders against the Respondents, on issues that touch on terms and conditions of employment of teachers at large.
44. Their Petition is a trade union activity.
45. They are branch officials. They have not specified which branches they serve, and in what capacities, but they are clearly subject to *the constitution* and rules of the 4th Respondent, which binds them to seek the authority of their Secretary General, before filing their Petition.
46. They have not disclosed to the Court if they convened their respective branch meetings, and passed a resolution to Petition the Court. Clause 11.11 of the 4th Respondent's constitution places the mandate of observance and enforcement of the 4th Respondent's constitution and rules, in the branch executive committee.
47. The Petitioners are officials of undisclosed branches, who just approached the Court, without placing the grievances before the branch executive committee, who would then be required to engage the national office.
48. Trade union branches are registered under Section 25 of the *Labour Relations Act*. They and their officials are subordinate to their national offices. They are not trade unions in their own right. They do not exercise the rights of a trade union, without resort to their national offices. Even assuming that the national office of KUPPET, has failed to act in representation of the membership, it is not for the



- officials from assorted branches, to gather themselves and supplant their trade union, by purporting to act for other members and the industry or profession in general. Such usurpation is in the province of illegitimate trade unionism.
49. They plead that among their roles, is to collect grievances from the 4th Respondent's members at branch level, and to channel those grievances to the 4th Respondent's national office. They are not unaware how the branches stand, in relation to the national office.
 50. They are also members of, or represented in branch governing councils. Clause 8.10.0 [h] of the 4th Respondent's constitution and rules, states that the branch governing councils, shall ensure that no member or official, moves to Court on any matter that commits the Union in any way, again, without the authorization of the Secretary-General.
 51. The Petitioners are represented in the 4th Respondent's national governing council. Clause 8.5.0 of the 4th Respondent's constitution and rules, states that branch secretaries are members of the national governing council. The national governing council prepares by-laws to run benevolent funds; ensures business of the 4th Respondent is properly transacted; and ensures adherence to the 4th Respondent's constitution and rules.
 52. The annual delegates conference under clause 8.3.0 is the supreme authority of the 4th Respondent. Branch officials, are delegates in this supreme organ. The national governing council executes the decisions of the delegates conference.
 53. The affidavit of Deputy Secretary General Moses Nthurima, explains that the deduction of Kshs. 200, from the 4th Respondent's members, was founded on a resolution of the annual delegates conference, held on 3rd April 2021.
 54. The Court would agree with the Deputy Secretary General, that the Petitioners, were part of the decision-making process, leading to introduction of the deductions.
 55. If they have any grievance with the implementation of that decision, their recourse is to the same organs of the 4th Respondent, through which the deductions were conceptualized, adopted, and implemented.
 56. The Petitioners do not have any capacity to represent the 3rd Respondent and its members. The 3rd Respondent, KNUT, is an independent trade union, with its own structures, constitution and rules. It has its own membership and the Petitioners are not its members.
 57. What is their capacity in asking the Court to restrain the 1st and 5th Respondents, from destabilizing the 3rd Respondent, KNUT? What is their interest in a trade union that they do not belong to? Has the 3rd Respondent instructed them that it has been destabilized by the 1st and 5th Respondents?
 58. For the Petitioners to have capacity to act for their Union KUPPET, and their colleague teachers who are members of the 4th Respondent, they have to adhere to *the constitution* and rules of the 4th Respondent. They also would have to obtain the written authority of their Secretary – General, to be able to represent other teachers, as authorized representatives.
 59. To act for the 3rd Respondent, they would have to demonstrate first that they are members of the 3rd Respondent, and secondly, that they are authorized representatives of the 3rd Respondent.
 60. Section 2 of the *Labour Relations Act*, defines the authorized representative of a trade union, as its general secretary, or his delegate, appointed in writing.



61. Rule 4 [2] of *the Constitution* of Kenya [Protections of Rights and Fundamental Freedoms] Practice and Procedure, 2013 Rules [Mutunga Rules], and Article 22 of *the Constitution*, allow persons acting in their own interest, to institute Petitions in enforcement or protection of their rights and fundamental freedoms.
62. The Article, and the Rule, do not allow the Petitioners associational standing, and the right to engage in illegitimate trade union activity, purporting to represent teachers at large, as well as the teachers trade unions, against their Employer, the 1st Respondent. They are branch officials, and their exercise of trade union activities, must be within the confines of legitimacy.
63. They do not have the associational standing to bring the Petition on behalf all teachers, members of the 4th Respondent, little less members of the 3rd Respondent.
64. Where is their mandate to petition on behalf of female teachers derived? They have not even disclosed the names of the female teachers they are representing, and established why those teachers, cannot petition in their own names.
65. The Petitioners are members of a group, or class of persons, teachers, who have opted through their union membership, to act in combination as a trade union, regulated by the *Labour Relations Act* and the trade union constitution and rules. The group or class of persons they claim to represent, operate within certain labour relations structures. *The Constitution* does not intend, that the any group or class of persons, engage in illegitimate trade union activities, such as presentation of collective grievances on terms and conditions of service before the Court.
66. They likewise cannot justify their exercise of illegitimate trade unionism, on the Rule that allows Petitions, to be presented in the public interest. The deduction of social welfare association contributions, is a contractual issue. It is a matter of contractual interest. It ought to be resolved within the contractual and statutory framework, through which it was conceptualized and implemented. It is not a matter of public interest.
67. The Petitioners in the view of the Court, are involved in exercise of illegitimate trade unionism or activities, which involves violation of labour laws, norms and practice. They have encroached on the right of their trade union, and another union KNUT, to represent their members' collective interests and rights. They have taken the fight to their trade union, while purporting also, to represent their trade union, and a stranger trade union, against their Employer. The 1st Respondent submits correctly, that it does not have a recognition agreement with the Petitioners, it has not negotiated any subject collectively with the Petitioners, so as for the Petitioners to demand accountability from the 1st Respondent, on any terms and conditions of employment.
68. With reference to the 2nd Respondent, the Petitioners have no capacity in demanding that the 2nd Respondent, investigates their grievances, neither does the Court have the mandate to direct the 2nd Respondent on investigations. The 2nd Respondent is constitutionally designed as an independent commission. Once the Petitioners' lodged their complaint with the 2nd Respondent, they ought to leave the 2nd Respondent to investigate independently, in accordance with *the Constitution* and the Ethics and Anti-Corruption Act 2011.
69. The Petitioners have not established that the 2nd Respondent is a custodian of any information which is relevant to them, to justify their prayer for declaration by the Court, that the 2nd Respondent has violated their right, or the female teachers' right to information under Article 35 of *the Constitution*. The 2nd Respondent's constitutional mandate, does not included gathering of information for litigants.



70. The 5th Respondent was the CEO of the 1st Respondent. She was, like the Petitioners, an Employee of the 1st Respondent. The Court does not think that Employees have the capacity to sue fellow Employees. The Employer in this dispute is known, and it was never alleged that the 5th Respondent was any of the Petitioners' Employer. She cannot assume liability of the 1st Respondent, on any pay roll deductions.
71. It is most unfortunate for the Petitioners to allege at paragraph 22 of the Petition, that the deductions started after the 5th Respondent CEO, came into office. The submission that the CEO had a personal interest in the deduction is unfounded, scurrilous and appears intended to traduce the person of the CEO.
72. The Court is persuaded that the Petitioners do not have the capacity under the 4th Respondent's constitution and rules; the *Labour Relations Act*; the E&LRC Procedure Rules, 2024; the Mutunga Rules; and *the Constitution* of Kenya, to present and prosecute the Petition herein.
73. Illegality of SWAs deduction. The assertion that SWAs deduction is discriminatively made on female teachers' salaries alone, appears to be unfounded.
74. The 4th Respondent in its reply, exhibits the pay slips of its members, Mr. Njuguna Daniel Mungai and Miss Wanjiku Eros Wambui.
75. Mungai is a male teacher. His pay slip contains SWAs deductions in favour of mwalimu national, and KUPPET. The same SWAs deductions are captured in the pay slip of Wambui, a female teacher.
76. This would seem to discount the Petitioners' submission that the SWAs deduction is illegal and unconstitutional, on account of being made against one gender in the teaching profession.
77. The Court has not been availed evidence to show that any female teacher, or any other teacher, has been compelled to associate with any trade union. The pleading about the 1st Respondent triggering an 'exit button,' to compel teachers to abandon their trade unions, so as to enjoy 3rd phase salary increment, is empty rhetoric. It has no support in evidence. It appears unconnected to the dispute about deductions.
78. So does the prayer asking the Court, to protect the right of teachers to belong to trade unions of their choice. These are empty pleadings and prayers, that fall within the broader scheme of exercise of illegitimate trade union activities, espoused by the Petitioners.
79. Could the deductions be illegal from their conceptualization and implementation?
80. The 4th Respondent wrote to the 1st Respondent, on 17th May 2021, advising the 1st Respondent to effect the deductions, following a resolution of its annual delegates conference, passed on 3rd April 2021.
81. The Petitioners, as observed above, are part of the annual delegates conference, and are represented in the national governing council. They were part of the decision-making process, leading to introduction of SWAs, which they now claim, is a stranger in the teachers' pay slips.
82. The 1st Respondent acted on the communication from the 4th Respondent, and cannot be blamed for effecting deductions.
83. The 4th Respondent explains that Clause 4.0. of its constitution, allows members to have social welfare initiatives. It resolved to have burial and benevolent fund, pursuant to this clause, amplified in the national governing council welfare guidelines.



84. The Court accepts this explanation. The deductions were legally conceptualized, designed and implemented , within the existing industrial relations structures.
85. The 1st Respondent submits that the 5th Petitioner personally authorized deduction of SWA in favour of her female teachers' association, way back in June 2019. She has not disputed this.
86. Why complain in 2025?
87. The Petitioners probably need to consult their trade union, on the details of SWAs made on their salaries, over time. Their trade union KUPPET referred to BBF which was introduced at the height of Covid-19 in 2021. The Petitioners made reference to SWAs dating back to 2019, which coincides with deduction of female teachers' association subscriptions. There appears to be a wide range of deductions referred to as SWAs in the pay slips. The Petitioners and their trade union probably do not have a common understanding about which SWAs, is the subject matter of the Petition herein.
88. The 1st Respondent could perhaps assist the Petitioners and other teachers, by making specific reference to the nature of the SWAs, instead of the cryptic descriptions such as 'KUPPET SWAs.'
89. The Petition could in part, have been triggered by lack of clear communication to the Petitioners by their trade union and the 1st Respondent concerning their salary deductions. Sections 20 and 21 of the *Employment Act* require Employers to supply their Employees with clear itemised monthly pay statements. Deductions made must be clearly expressed, and where needed, explained.
90. The deductions are nonetheless, permissible under Section 19 [1] [f] of the *Employment Act*, being deductions collectively authorized by members through the annual delegates conference, or individually authorized, as shown with regard to female teachers' association dues. The Petitioners have not shown that unauthorized deductions were made.
91. Disposal. The Petition is not well-founded and ultimately, must fail. The Petitioners have not established their capacity to sue on behalf of their fellow teachers countrywide; on behalf of both KUPPET and KNUT; and against KUPPET, EACC and the KUPPET CEO. The Petitioners appear to be engaged in illegitimate trade union activities. They have assumed the exercise of airing the grievances of all teachers, usurping the roles of the 3rd and 4th Respondents, in representation of the teachers' collective rights and interests. They are officials of undisclosed branches of the 4th Respondent, who have opted to act like an unregistered trade union, representing KUPPET, KNUT and all teachers in the Country.
92. SWAs deductions constitute a broad range of social welfare contributions, which are conceptualized and adopted for implementation within the 4th Respondent, and presumably, the 3rd Respondent. They are not a statutory requirement, and unlike PAYE, SHA or N.S.S.F contributions, are reversible.
93. The 1st Respondent explains that under its T-Pay platform, a teacher can request to opt out of the SWAs contributions.
94. The 1st Respondent wrote to the 4th Respondent on 21st May 2024, stopping deduction of all KUPPET burial SWAs.
95. The 4th Respondent explains that there were branches, Kakamega and Vihiga, who were exempted from burial and benevolent SWAs deductions, because they had in place their own unique social welfare mechanisms at their level.
96. Why did the Petitioners not have their own mechanisms at their respective branches, and seek exemption like the Kakamega and Vihiga branches?



97. The stoppage of deductions, as proposed by the 1st Respondent, through the T-Pay platform, should have addressed the Petitioners' concerns. If there are other SWAs deductions that have been retained, the Petitioners ought to seek remedy from within their trade union, invoking the internal industrial relations structures. They can engage the branch organs, the national organs including the supreme authority, the national delegates conference, in reversing deductions, assuming that the stoppage of deductions by the 1st Respondent, does not suffice.
98. No deduction has been shown to have been unauthorized, or made in favour of an unknown entity, as claimed by the Petitioners. If any requires to be stopped, the Petitioners have the T-Pay platform, to advise on stoppage. If they require financial statements on what has been deducted and remitted to their trade union, or require any auditing of accounts, they can engage their trade union with the aid of the Registrar of Trade Unions, under the auditing mechanisms availed by the [Labour Relations Act](#), 2007.
99. Lastly, the Petitioners state at paragraph 39 of the Petition, that there is no other proceedings relating to the dispute, pending or decided in any other Court. This is not correct.
100. The 4th Respondent exhibits copies of pleadings in Malindi E&LRC Petition Number E008 of 2024, between the same parties to the Petition herein. The pleadings and remedies sought are on all fours, word for word, the same. The 4th Respondent also refers to JR E001 of 2024 initiated in Meru E&LRC by the Petitioners on the subject matter.
101. The presence of other proceedings, initiated by the Petitioners, is corroborated by the 1st and 5th Respondents, at paragraph 28 of the further affidavit sworn by Kenneth Marangu, on 24th January 2025.
102. The Petitioners are fleet-footed in their abuse of the court process, moving from Court to Court, County to County, seeking judicial interventions, on the same or related subject matter. Multiple claims by the same persons, against the same / similar adversaries, and on the same / similar subjects, is a fertile seed-bed for the breakdown of the rule of law. They are a harbinger for legal disorder and collapse of fair administration of justice.
103. The Petitioners seem to have grievances with their trade union, which ought to be addressed internally, instead of dragging other innocent parties to Court. They are engaged in illegitimate trade union activities, in multiple county jurisdictions, all under the guise of constitutionalism.

It is ordered: -

- a. The Petition is declined.
- b. The Petitioners shall pay costs to the 1st, 2nd, 4th and 5th Respondents.

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, PURSUANT TO RULE 68 [5] OF THE E&LRC [PROCEDURE] RULES, 2024, THIS 29TH DAY OF AUGUST 2025.

JAMES RIKA

JUDGE

Court Assistant:

Emmanuel Kiprono

JNN Advocates for the Petitioners



Calvin Anyuor, Advocate for the 1st and 5th Respondents

Mildred Amojong, Advocate for the 2nd Respondent

Triple A Advocates for the 4th Respondent No appearance for the 3rd Respondent

