



**Ngeno & 35 others v Kericho County Government & 6 others (Employment and Labour Relations Petition 3 of 2016) [2024] KEELRC 2173 (KLR) (30 July 2024) (Ruling)**

Neutral citation: [2024] KEELRC 2173 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KERICHO  
EMPLOYMENT AND LABOUR RELATIONS PETITION 3 OF 2016**

**HS WASILWA, J  
JULY 30, 2024**

**BETWEEN**

**SIMON K. NGENO & 35 OTHERS & 35 OTHERS ..... APPLICANT**

**AND**

**KERICHO COUNTY GOVERNMENT ..... 1<sup>ST</sup> RESPONDENT**

**THE GOVERNOR, KERICHO COUNTY GOVERNMENT ... 2<sup>ND</sup> RESPONDENT**

**KERICHO COUNTY PUBLIC SERVICE BOARD ..... 3<sup>RD</sup> RESPONDENT**

**THE INTER GOVERNMENTAL RELATIONS, TECHNICAL  
COMMITTEE ..... 4<sup>TH</sup> RESPONDENT**

**PUBLIC SERVICE COMMISSION ..... 5<sup>TH</sup> RESPONDENT**

**CABINET SECRETARY, MINISTRY OF EDUCATION SCIENCE AND  
TECHNOLOGY ..... 6<sup>TH</sup> RESPONDENT**

**HON. ATTORNEY GENERAL ..... 7<sup>TH</sup> RESPONDENT**

**RULING**

1. This ruling is in respect of the Petitioners/ Applicants' Notice of motion dated 29<sup>th</sup> March, 2017, brought pursuant to section 5(1) of the *Judicature Act*, Order 52(3) of the *Supreme Court Practice Rules of England*, seeking for the following Orders; -
  1. Spent.
  2. That the 2<sup>nd</sup> Respondent herein be summoned to Show Cause why he should not be committed to Civil Jail for disobeying Court Orders.



3. That the 2<sup>nd</sup> Respondent herein be committed to Civil Jail, for a period of six months, for contempt of Court.
4. That Alternatively, the Court does impose a fine of an amount the court deems fit, upon the 2<sup>nd</sup> Respondent.
5. That the costs of this Application be borne by the 2<sup>nd</sup> Respondent.
2. The basis upon which the Application herein is made is that this Court made a decision, communicated vide Court Order of 10<sup>th</sup> February, 2017, that all petitioners except the 1,14,25 and 32 Petitioners be absorbed as Youth Polytechnic instructors 111 Job Group “H” with effect from 1<sup>st</sup> December, 2016 and the Petitioners 1,14,25 and 32 do serve on a renewable contract or serve on a contract pending the attainment of minimum requirement as provided in the scheme of service or be absorbed at a lower level job Group ‘G’ and be deployed to other departments as from 1<sup>st</sup> November, 2016 and that costs of Kshs 100,000 are awarded to the petitioners.
3. That the 2<sup>nd</sup> Respondent was privy to this Order as it was served with a copy of the Order, However, despite being aware of the Orders of the Court, no action has been taken to implement the said Order.
4. That by refusing to obey the Orders issued by this Court, the 2<sup>nd</sup> Respondent is in contempt of Court Order. He thus urged this Court to find the 2<sup>nd</sup> Respondent in contempt of Court Order and allow the Applicant, in effect protect the dignity and authority of this Court
5. The Application is further supported by the Affidavit of Ronald Langat, one of the Petitioners herein, deposed upon on the 29<sup>th</sup> March, 2017. The affiant reiterated the grounds of the Application herein.
6. The Application is opposed by the Respondent who filed a Replying affidavit sworn by Joel K, Bett, the County Secretary and Head of Public Service Board of Kericho County, on the 17<sup>th</sup> October, 2017.
7. In the affidavit, the deponent stated that the Respondents have fully complied with the Court Orders as the Petitioners have been absorbed as Youth Polytechnic instructors and have already been issued with absorption letters as directed by the Court.
8. That the only issue pending in this matter is payment of costs to the Advocates which delay was occasioned by the very Advocates who have failed to define themselves in the Government Integrated Information Management System (IFMIS), which is a requirement before money is paid out electronically. That the details needed include the firm’s partners profile details, which has not been provided to them to effect the said payment.
9. The deponent stated that contrary to the allegation in the Application, the 2<sup>nd</sup> Respondent is not in contempt of Court. Rather that it is the said 2<sup>nd</sup> Respondent that suggested the fast-tracking of the matter by settling the matter out of Court and recording a consent.
10. Based on the foregoing, the affiant, urged this Court to dismiss the Application seeking to commit the 2<sup>nd</sup> Respondent to Civil jail.
11. I have examined all the averments of the parties. Since this is an application for show cause and wherein the Respondents are averring that they have made good the orders of this court, the application for show cause is merited and the Respondents will be given an opportunity to demonstrate their compliance with this court’s judgment and order of 10<sup>th</sup> February 2017. Costs in the cause.

**RULING DELIVERED VIRTUALLY THIS 30TH DAY OF JULY, 2024.**

**HON. LADY JUSTICE HELLEN WASILWA**



## **JUDGE**

In the presence of: -

Kipkoech for Petitioner – present

County Attorney for Kericho – Absent

Court Assistant - Fred

