



Ndalut & another v Nairobi City Water & Sewerage Company Ltd (Employment and Labour Relations Petition E099 of 2022) [2024] KEELRC 2826 (KLR) (14 November 2024) (Ruling)

Neutral citation: [2024] KEELRC 2826 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS PETITION E099 OF 2022**

**K OCHARO, J
NOVEMBER 14, 2024**

BETWEEN

KIPTOO NDALUT 1ST PETITIONER

GRINNIN CHOGO LIBABU 2ND PETITIONER

AND

NAIROBI CITY WATER & SEWERAGE COMPANY LTD RESPONDENT

RULING

1. The application before this Court is the one dated 4th April 2023, wherein the Petitioners seek that the status quo obtaining in relation to their current acting positions be maintained pending the disposal of the instant petition. The Respondent vehemently opposed the application through a replying affidavit of Titus Tuitoek, that was sworn on the 22nd April 2024.
2. In compliance with the directions of this Court, the petitioners filed herein their written submissions in support of the Notice of Motion application, dated 30th May 2024, while the Respondent filed response submissions dated 31st May 2024.
3. I have carefully considered the application, the grounds upon which it is premised, the affidavit in support thereof, the replying affidavit presented by the Respondent, and the rival submissions mentioned above, and form a clear mind that the petition herein can be expeditiously disposed of by shunning interlocutory applications. The wider interest of justice in this matter require that the petition be proceeded with expeditiously. Strict timelines are therefore necessary. It is for these reasons that I hereby direct;
 - a. That the status quo obtaining now as regards the Petitioners' employment positions be maintained pending disposal of the petition.
 - b. The petition be canvassed by way of written submissions.



- c. The Petitioners to file and serve their written submissions within 10 days of today.
- d. The Respondent to file and serve response submissions within 10 days of service of the Petitioners' submissions on them.
- e. If there is any default on direction[c] above by the petitioners, this order of maintenance of status quo pending the disposal of the petition shall stand lifted automatically.
- f. The petition shall be mentioned on 9th December 2024 before Honourable Lady Justice Keli for a date for Judgment.

Orders accordingly.

READ DELIVERED AND SIGNED THIS 14TH DAY OF NOVEMBER 2024.

OCHARO KEBIRA

JUDGE.

In the Presence of:-

Ms. Quinter holding brief for Mr. Malenya for the Petitioners.

Ms. Muriranja for Ms. Yala for the Respondents.

