



Kenya Medical Practitioners, Pharmacists and Dentists’ Union v County Government of Kiambu & another; Njeru & 316 others (Interested Parties); Ndegwa & 6 others (Contemnor) (Constitutional Petition 174 of 2024) [2024] KEELRC 13595 (KLR) (18 December 2024) (Ruling)

Neutral citation: [2024] KEELRC 13595 (KLR)

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CONSTITUTIONAL PETITION 174 OF 2024

HS WASILWA, J

DECEMBER 18, 2024

IN THE MATTER OF ARTICLE 22(1) & (2) (B) & (C) OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF CONTINUOUS VIOLATION OF RIGHTS OR FUNDAMENTAL FREEDOMS UNDER ARTICLES 41(2), 43 AND 47(1) & (2) OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF CONTINUOUS VIOLATION OF SECTION 18 (2) (B) OF THE EMPLOYMENT & LABOUR RELATIONS ACT

AND

IN THE MATTER OF CONTINUOUS VIOLATION OF CONVENTION 95 ARTICLE 12 (1) OF THE ILO PROTECTION OF WAGES CONVENTION, 1949

AND

IN THE MATTER OF CONTINUOUS VIOLATION OF ARTICLE D.1.0 (2) PAYMENT OF SALARY OF THE COUNTY GOVERNMENT OF KIAMBU HUMAN RESOURCE POLICIES AND PROCEDURES MANUAL FOR THE COUNTY PUBLIC SERVICE

BETWEEN

KENYA MEDICAL PRACTITIONERS, PHARMACISTS AND DENTISTS’ UNION PETITIONER

AND

**COUNTY GOVERNMENT OF KIAMBU 1ST RESPONDENT
KIAMBU COUNTY PUBLIC SERVICE BOARD 2ND RESPONDENT**

AND



DR NYAGA, PATRICK NJERU INTERESTED PARTY
DR CHIURI, DAVID ISAAC MBOGO INTERESTED PARTY
DR KIRAGU, SYLVIA WANJIRU INTERESTED PARTY
DR MWANGI, CAROLINE MERCY WAMBUI INTERESTED PARTY
DR MUGHO, STELLA NJERI INTERESTED PARTY
DR KAGUNDA, EDITH WACERA INTERESTED PARTY
DR PARKLEA, NANCY RELIN INTERESTED PARTY
DR NGANGA, ALICE WAMBUI INTERESTED PARTY
DR MUNIU, SAMUEL NGANGA INTERESTED PARTY
DR NJOROGE, JOHN GITHUA INTERESTED PARTY
DR MURUTHI, PATRICIAH NYAGUTHII INTERESTED PARTY
DR NJOROGE, PETER NGUGI INTERESTED PARTY
DR KAGONDU, FREDRICK NGUGI INTERESTED PARTY
DR KINYANJUI, DENNIS GITHIRE INTERESTED PARTY
DR VIVIAN, CHEBOIWO CHEPCHIRCHIR INTERESTED PARTY
DR NGUNYI, RUTH NDUATA INTERESTED PARTY
DR OMONDI, DORYNN WANGARISARAH INTERESTED PARTY
DR CHEGE, JOHN GICHUNJI INTERESTED PARTY
DR NJUGUNA, KAGGIAH KINUTHIA INTERESTED PARTY
DR NGINYA, KEZIAH WAITHIEGENI INTERESTED PARTY
DR OBASA, NECTARIOS ADIDWA INTERESTED PARTY
DR KURIA, HILDAH WAMBUI INTERESTED PARTY
DR NDUNGU, MONICA NJERI INTERESTED PARTY
DR NYAIRO, DUPHIN MORAA INTERESTED PARTY
DR MUDACHI, FAITH N'THOKI INTERESTED PARTY
DR ODHIAMBO, LEVITAN OMONDI INTERESTED PARTY
DR WAIRAGU, PATRICK MIAKO INTERESTED PARTY
DR MAINA, ALEX GITHAIGA INTERESTED PARTY
DR WAIYAKI, KARIUKI KINUTHIA INTERESTED PARTY
DR CHEPCHUMBA, SHARON LESA INTERESTED PARTY
DR MUGANE, BRENDA MUMBI INTERESTED PARTY
DR THUO, MOSES NJOROGE INTERESTED PARTY
DR CHEGE, RUTH WAITHIRA INTERESTED PARTY
DR NJOGU, RACHAEL WAMBEERE INTERESTED PARTY



DR MWANGI, LYNETTE WARUGURU INTERESTED PARTY
 DR NJONGE, JOSEPHINE NJOKI INTERESTED PARTY
 DR KIMANI, WINFRED WANJIRU INTERESTED PARTY
 DR MOHAMED, FATMA INTERESTED PARTY
 DR GIKURI, LLOYD OJOWI INTERESTED PARTY
 DR WACHIRA, JOHN KINYUA INTERESTED PARTY
 DR ABUBAKAR, MAISAM MOHAMED INTERESTED PARTY
 DR MUGENYU, LILIAN WANGECI INTERESTED PARTY
 DR NGAMAU, FLORENCE WANGUI INTERESTED PARTY
 DR KAMAU, CHRISTINE GATHONI INTERESTED PARTY
 DR MAGARA, MARVIN MWAMBA INTERESTED PARTY
 DR OKODE, NEEMA ANYANGO INTERESTED PARTY
 DR MBURU, BETTY WANGARI INTERESTED PARTY
 DR WAMBGU, MARTIN MAINA INTERESTED PARTY
 DR RIGII, JACKLINE WAMBUI INTERESTED PARTY
 DR MUTABARI, EYVONNE KATHURE INTERESTED PARTY
 DR MWANGI, TARSEY NJOKI INTERESTED PARTY
 DR KANJUMBA, MACHARIA MWANIKI INTERESTED PARTY
 DR MBAE, DENIS NKONGE INTERESTED PARTY
 DR WANJAU, MAUREEN MUMBI INTERESTED PARTY
 DR GACHUGIA, BETH WAITHERA INTERESTED PARTY
 DR KINYUA, DENNIS MUTHOMI INTERESTED PARTY
 DR KOOME, DANIEL KINYUA INTERESTED PARTY
 DR IRUNGU, VIRGINIA WANGECHE INTERESTED PARTY
 DR KINYUA, RICHARD KAMUNGU INTERESTED PARTY
 DR MUNKE, SIMATON INTERESTED PARTY
 DR KIMANI, DANIEL NDUNGU INTERESTED PARTY
 DR MUIRU, RUTH WANJIRU INTERESTED PARTY
 DR MUNENE, NAOMI MUTHONI INTERESTED PARTY
 MR WAHWAI, NDIRIE INTERESTED PARTY
 DR NAMUGENYI, CHRISTINE VICKY INTERESTED PARTY
 MR NYARUNDA, DANIEL KIYONDI INTERESTED PARTY
 DR MUSONYE, LILIAN ABSCONDITA INTERESTED PARTY
 DR KANGESA, ALLAN OWUOR INTERESTED PARTY



DR GICHARU, LILIAN WAMBUI INTERESTED PARTY
DR KAMARA, BRIAN WAMATHAI INTERESTED PARTY
DR GITAU, MARY WATHANU INTERESTED PARTY
DR MUCHIRI, SHEILA WANJIRU INTERESTED PARTY
MISS GITHAIGA, JANE NJERI INTERESTED PARTY
DR KIRONYO, DAVID KARANJA INTERESTED PARTY
DR MWATHI, SYLVIA NJAMBI INTERESTED PARTY
DR KAMAU, CHARLES CHEGE INTERESTED PARTY
DR SHABAAN, WINNIE VIVIAN NKIROTE INTERESTED PARTY
DR MOHAMUD, ANISA MAHBOUB INTERESTED PARTY
DR KIMARU, LEONARD MWANGI INTERESTED PARTY
DR KARANJA, ARTHUR MUGU INTERESTED PARTY
DR KARIUKI, GIDEON KOLESH INTERESTED PARTY
DR WANYANGA, LEVIN ANYANGA INTERESTED PARTY
DR BORUS, FIONA CHEBICHII INTERESTED PARTY
DR MBURU, EDWIN NJUGUNA INTERESTED PARTY
DR MAKENA, DOROTHY INTERESTED PARTY
DR WAWERU, SALOME WANJIKU INTERESTED PARTY
DR WAIRAGU, ANN WANJIRU INTERESTED PARTY
DR MUHUHU, PETER NJOROGE INTERESTED PARTY
DR OCHIENG, GRACE AKETCH INTERESTED PARTY
DR LYDIA, THURANIRA NKIROTE INTERESTED PARTY
MRS NDWIGA, DAISY NJERI INTERESTED PARTY
DR MULINGWA, PHILIP INTERESTED PARTY
DR GITAU, SIMON MAINA INTERESTED PARTY
DR MUTHUMBI, BERNADINE NANJALA INTERESTED PARTY
DR WANJOHI, JOSEPH MUCHIRI INTERESTED PARTY
DR GACHUIRI, THOMAS THIGA INTERESTED PARTY
DR KAMAU, ESTHER MARIGU INTERESTED PARTY
DR NGATIA, EUNICE WANJIKU INTERESTED PARTY
DR MWITA, CLIFFORD CHACHA INTERESTED PARTY
DR MUGWERU, EUNICE WAIRIMU INTERESTED PARTY
DR NG'ANG'A, IRENE HANNAH NJERI INTERESTED PARTY
DR WAMBUA, PATRICIA LEILA MUMBUA INTERESTED PARTY



DR MUCHIRI, NDUNGU INTERESTED PARTY
DR MAINA, MARY WANJIKU INTERESTED PARTY
DR KIARAHU, MAUREEN NYATUGA INTERESTED PARTY
DR KARIMI, JUNE MUTHONI INTERESTED PARTY
DR CHEGE, DIANNE MUMBI INTERESTED PARTY
DR MBAE, LINET KENDI INTERESTED PARTY
DR GICHAGUA, MARY WAMBUI INTERESTED PARTY
DR NJENGA, WINNIE WAMBUI INTERESTED PARTY
DR NGUU, LINDA KAMATHI INTERESTED PARTY
DR GACHANJA, MARGARET WANJIRU INTERESTED PARTY
DR MWANGI, PATRICK MUCHUNU INTERESTED PARTY
DR KIMANI, TERESIA NJOKI INTERESTED PARTY
DR NDIRANGU, MOSES NDIRITU INTERESTED PARTY
DR MWANCHA, CAROLYN MAGOMA INTERESTED PARTY
DR MOHAMMED, SUBAHA INTERESTED PARTY
DR MUMBURA, CYRUS KAMAU INTERESTED PARTY
DR MAAWIYA, HINDU ABDURAHMAN INTERESTED PARTY
DR MOHAMED, SAUDIYYA INTERESTED PARTY
DR MURAGE, ANTONY KAMAU INTERESTED PARTY
DR OKINYI, LILIAN KERUBO INTERESTED PARTY
DR MURIANKI, CATHERINE KARWITHA INTERESTED PARTY
DR ONKUNYA, BRENDA HILDA INTERESTED PARTY
MISS MUNYENDO, CATHERINE WANGATIA INTERESTED PARTY
DR MWANIKI, BENSON KARIMI INTERESTED PARTY
DR GICHERE, RAPHAEL NDERITU INTERESTED PARTY
DR NYAMBAKA, KEVIN OMAO INTERESTED PARTY
DR RASHIDA, ADMANI MOHAMED INTERESTED PARTY
DR MISANGO, SAMSON ROBERT INTERESTED PARTY
DR MUTISYA, MARY MBULA INTERESTED PARTY
DR MACHARIA, ISAAC MWANGI INTERESTED PARTY
DR MUCHENA, ROBERT MIONKI INTERESTED PARTY
DR MBOGO, DAVID MBUI INTERESTED PARTY
DR GACHAU, MACHARIA MUCHUNU INTERESTED PARTY
DR MBUGA, MARGARET NYAKINYUA INTERESTED PARTY



DR MUTHAMA, JOYCE WANGUI INTERESTED PARTY
DR NJOROGE, MAUREEN MUTHONI INTERESTED PARTY
DR MWANGI, GEOFFREY CHEGE INTERESTED PARTY
DR WANJOHI, FLORENCE WANGECHI INTERESTED PARTY
DR NJOROGE, JOSEPH MUKORA INTERESTED PARTY
DR RIRO, MOSES MWITA INTERESTED PARTY
DR NGUGI, JESSE GAKUNYI INTERESTED PARTY
DR KIMANI, EVERLYN NG'ENDO INTERESTED PARTY
DR MAINA, MAXWELL MURAGE INTERESTED PARTY
DR NJIIRI, PERIS WANJIKU INTERESTED PARTY
DR MUHIAMARION, MARION WANJIKU INTERESTED PARTY
DR KIMANI, JOSPHINE NJERI INTERESTED PARTY
DR MWEA, BERNSON MACHARIA INTERESTED PARTY
DR KADERDINA, MUNIRA MOHAMMED AKRAM INTERESTED PARTY
DR DAVID, NDEGWA NYOKABI INTERESTED PARTY
DR MACHARIA, JOSEPH GATHERU INTERESTED PARTY
DR NJUGUNA, JUDY WANJIKU INTERESTED PARTY
DR GICHANE, HERMES WANJIKU INTERESTED PARTY
DR KAMIRI, KENETH MUTHEE INTERESTED PARTY
DR NDEGWA, DANIELLA WANGUI INTERESTED PARTY
DR WEKESA, ANGELA NAMAROME INTERESTED PARTY
DR MACHARIA, CHARLES NGUGI INTERESTED PARTY
DR WAKHAYANGA, JUMA OLUNGA INTERESTED PARTY
DR MAKAU, PENINNAH MWIKALI INTERESTED PARTY
DR OBONYO, LAWRENCE OCHIENG INTERESTED PARTY
DR MWANGI, SHEILA WANJIRU INTERESTED PARTY
DR NJIHIA, SAMUEL MUMIRA INTERESTED PARTY
DR IRUNGU, ANNE NYAMBURA INTERESTED PARTY
DR NG'ANG'A, GERALD KIHUGA INTERESTED PARTY
DR OPANGA, PATRICK JULIUS NYAMBOKO INTERESTED PARTY
DR NGUGI, FRANCIS WANGANGA INTERESTED PARTY
DR GACHUKI, AMOS KARIUKI INTERESTED PARTY
DR OTIENO, BRUCE SEMO INTERESTED PARTY
DR YUSSUF, NASRI MOHAMED INTERESTED PARTY



DR KARWAL, SATBIR SINGH INTERESTED PARTY
DR MWAURA, KENNETH KIARIE INTERESTED PARTY
DR MUSOMA, SOPHIE NYAOMBE INTERESTED PARTY
DR MUGO, ROBERT MURITHI INTERESTED PARTY
DR KIBUTI, PENINAH WATURI INTERESTED PARTY
DR NGETHE, JANET WANJIRU INTERESTED PARTY
DR MUREITHI, DENNIS KARUGU INTERESTED PARTY
DR GITAU, RYAN NYOTU INTERESTED PARTY
DR MUTHIORA, JUNE NYAKIANDA INTERESTED PARTY
DR KEITANY, CHRISTINE INTERESTED PARTY
.DR MULU, RUTH MUTONI INTERESTED PARTY
DR IRUNGU, ERIC TEDDY MWANGI INTERESTED PARTY
DR KIBATHI, CATHERINE NJERI INTERESTED PARTY
DR MATIVO, BONIFACE INTERESTED PARTY
DR WARUI, LISPER ELISHIBA WANGECI INTERESTED PARTY
DR JUMA, HADIJA WAITHERA INTERESTED PARTY
DR KIMANI, KELVIN MUIRURI INTERESTED PARTY
DR KINYANJUI, SEMINDEI KAMANDE INTERESTED PARTY
DR NJOROGE, MARY WAMBUI INTERESTED PARTY
DR MWORIA, ANGELA NKIROTE INTERESTED PARTY
DR KIHAGI, CONSOLATA WANGECI INTERESTED PARTY
DR MUNGAI, PAUL GACHIHI INTERESTED PARTY
DR MWORIA, KEN MUTHUURI INTERESTED PARTY
DR NYAGA, WARIIMI KARINGI INTERESTED PARTY
DR MOKORO, DICKSON OGINDA INTERESTED PARTY
DR AWADH, WARDA HASSAN JUMAN INTERESTED PARTY
DR NGURINGA, KEVIN INTERESTED PARTY
DR MWATHA, CAROLINE WANGUI INTERESTED PARTY
DR KARIMI, YVONNE FREDA WANJIRU INTERESTED PARTY
DR KAMAU, MIRICHO NDUNGU INTERESTED PARTY
DR KANGETHE, BRENDA MUTHONI INTERESTED PARTY
DR GUANTAI, CHRISTINE KATHAMBI MUKA INTERESTED PARTY
DR KAMAU, JOHN MWANGI INTERESTED PARTY
DR MOHAMED, ALAWIYA ABDULKADIR INTERESTED PARTY



DR SHEIKH, MOHAMED AHMED INTERESTED PARTY
DR WANJOHI, PRISCILLA WANJIKU INTERESTED PARTY
DR ADAGI, MARJORIE LUNYAGI INTERESTED PARTY
DR MAINA, DAVID WACHIRA INTERESTED PARTY
DR MUTHUA, POWELL KANINA INTERESTED PARTY
DR KAMAU, JOY WANGITHI INTERESTED PARTY
DR WANGARI, ANGELINE WANGUI INTERESTED PARTY
DR NGUNGUA, STEPHEN MWENDWA INTERESTED PARTY
DR KANYAGIA, PAUL MIRING'U INTERESTED PARTY
DR KIPROTICH, NGETICH INTERESTED PARTY
DR KITILI, MARTHA NDANU INTERESTED PARTY
DR CHAHILU, LYDIA UNDISA INTERESTED PARTY
DR NJOROGE, WILLIAM WAIHENYA INTERESTED PARTY
DR OCHOKI, PHILLIP MUIGAI INTERESTED PARTY
DR KARANGA, JAMES KIMANI INTERESTED PARTY
DR MUIRURI, EMILY NGONYO INTERESTED PARTY
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DR KAGUNYA, EMMA WANJIKU INTERESTED PARTY
DR OJWANG, MICHAEL KOCHOLLA INTERESTED PARTY
DR ONYANCHA, BRENDA NYANG'ATE INTERESTED PARTY
DR KIMANI, TABITHA WAMBUI INTERESTED PARTY
DR PETER, HELLEN MWONGELI INTERESTED PARTY
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DR GERALD, MUNYAO MUENDO INTERESTED PARTY
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DR KARIMI, PATIENCE WANJIRU INTERESTED PARTY



DR AMBETSA, MARGARET OMURONJI INTERESTED PARTY
 DR NJERI, GLADYS WAWERU INTERESTED PARTY
 DR MBUI, JENNIFER MUTHONI INTERESTED PARTY
 DR MUKETHA, DERRICK MUNENE INTERESTED PARTY
 DR KABIRU, CHARLES MWANGI INTERESTED PARTY
 DR OMONDI, ANISH OKEYO INTERESTED PARTY
 DR AYIENGA, PERES KWAMBOKA INTERESTED PARTY
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 DR GICHARU, REGINA GATHONI INTERESTED PARTY
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 DR KABUI, DANIEL WAINAINA INTERESTED PARTY
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 DR KARIUKI, ANDREW KARIUKI INTERESTED PARTY
 DR NYAGA, MUTHONI INTERESTED PARTY
 DR KATHARE, JOSEPH MURITHI INTERESTED PARTY
 DR KIMARI, ESTHER WANGUI INTERESTED PARTY
 DR PATEL, NILAM SUBHASCHANDRA INTERESTED PARTY
 DR MWICHARO, LAWRENCE KANIU INTERESTED PARTY
 DR MUHUNI, JAMES ELIEZER NJOROGE INTERESTED PARTY
 DR MAINA, RUTH WANDIA INTERESTED PARTY
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 DR WANJOHI, JUDITH NYAWIRA INTERESTED PARTY
 DR MUREGI, CYNTHIA NDUTA INTERESTED PARTY
 DR MBURU, ANITA WAIRIMU INTERESTED PARTY
 DR KIHARA, HANNAH WANJA INTERESTED PARTY
 DR MBAABU, GLORY KINYA INTERESTED PARTY
 DR MUASYA, PATRICK KITHEKA INTERESTED PARTY



DR MATARA, DORINE NYAK INTERESTED PARTY
 DR MUTHAMI, RITA WANJUGU INTERESTED PARTY
 DR MULI, MERCY MUENI INTERESTED PARTY
 DR RUMBERIA, BEATRICE KARIMI INTERESTED PARTY
 DR WANGUI, LILIAN INTERESTED PARTY
 DR RUNGU, SYLVIA GATWIRI INTERESTED PARTY
 DR LIHANDA, BEVIN LIKUYANI INTERESTED PARTY
 DR MUNYUA, GEORGE MWANGI INTERESTED PARTY
 DR NGARIKO, GRACE WANGUI INTERESTED PARTY
 DR NJIRU, IRENE WARUGURU INTERESTED PARTY
 DR KAMUNDIA, RUFUS MUCHEMI INTERESTED PARTY
 DR MACHOGU, BELDINA NYABATE INTERESTED PARTY
 DR MUSYOKA, ALVIN LUNGO INTERESTED PARTY
 DR MUNYI, LILIAN KAGENI INTERESTED PARTY
 DR KAMAU, MINNEH GATHONI INTERESTED PARTY
 DR NDEGWA, ESTHER GATHONI INTERESTED PARTY
 DR MUTUNGA, EMILY KATUNGE INTERESTED PARTY
 DR GANATRA, ANBAR ASLAM INTERESTED PARTY
 DR WAWERU, STEPHEN CHOMBA INTERESTED PARTY
 DR MBIU, JAMES CHEGE INTERESTED PARTY
 DR OMBIJA, PATIENCE AKINYI INTERESTED PARTY
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 DR MURIITHI, ANNETTE WAMBUI INTERESTED PARTY
 DR GIKUNDA, MARY KATHURE INTERESTED PARTY
 DR WANJOHI, ROSE WANGECI INTERESTED PARTY
 DR MACHARIA, LUCY MUNJIRU INTERESTED PARTY
 DR JUMA, MOSES NJOROGE INTERESTED PARTY
 DR IRUNGU, RUTH WAMBUI INTERESTED PARTY
 DR MASINDE, PAULINE BERYL CHULI INTERESTED PARTY
 DR MAINA, GLADYS WAKONYO INTERESTED PARTY
 DR NJUE, MERCY MURUGI INTERESTED PARTY
 DR MATTHEW KENJI IKAHU INTERESTED PARTY
 DR BRIAN WAITHAKA MWANGI INTERESTED PARTY



DR JOSHUA MACHARIA MAINA INTERESTED PARTY
 DR JOAN KAINYU GIKUNDI INTERESTED PARTY
 DR GRACE WACHUKA THUKU INTERESTED PARTY
 DR VINCENT MUNENE NGORE INTERESTED PARTY
 DR MICHEAL NJAERI KABAARA INTERESTED PARTY
 DR ALEX WARUI KURIA INTERESTED PARTY
 DR PENINAH WARINGWA INTERESTED PARTY
 DR FREDRICK NJUGUNA MUIRURI INTERESTED PARTY
 DR ISAAC MUKURIA GITAU INTERESTED PARTY
 DR AMAKABAWE DANIEL MIKALO INTERESTED PARTY
 DR LYNNE MUTHONI GATHURU INTERESTED PARTY

AND

PETER NDEGWA CONTEMNOR
 MARTIN NJERI CONTEMNOR
 ALLAN MWAURA CONTEMNOR
 ELIAS MAINA CONTEMNOR
 NANCY KIRUMBA CONTEMNOR
 JAMES KIMANI CONTEMNOR
 STEPHEN THENYA MWANGI CONTEMNOR

RULING

1. The Applicant filed an application dated 28th November 2024, seeking urgent orders, including a mandatory injunction compelling the Respondents to immediately pay the salaries of the Interested Parties for October and November 2024 and remit union dues and statutory deductions. The Applicant also seeks summons against the cited Contemnors for disobedience of this Court's Orders issued on 28th October 2024 and 7th November 2024.
2. Further, the Applicant prays that the Respondents and Contemnors be denied further audience before this Court except for showing cause why they should not be committed to civil jail.
3. The Applicant alleges that the Respondents have violated the rights of the Interested Parties, who are essential service workers, by removing them from the payroll and failing to remit their salaries and statutory deductions, contrary to Article 41(2)(a) and (b) of *the Constitution*, Article 43 of *the Constitution*, and Section 18(2)(b) of the *Employment Act*. These actions are further said to contravene Convention 95 Article 12(1) of the ILO Protection of Wages Convention, 1949, and the County Government of Kiambu Human Resource Policies and Procedures Manual.
4. The Applicant contends that the Respondents' actions violate Court Orders that directed the maintenance of the status quo pending the hearing of the Petition. Despite being present during



- the issuance of these Orders and having been served, the Respondents allegedly failed to comply and instead removed several Interested Parties from the payroll without following disciplinary procedures.
5. The Applicant argues that unless the Court intervenes urgently, the Interested Parties will continue to suffer grave prejudice, with their families and dependents left destitute. Further, the Applicant submits that the Respondents' actions undermine the authority and dignity of the Court and erode public trust in its processes. The Applicant emphasizes the need for urgent intervention before the December Court recess to protect the Interested Parties and secure the integrity of the Court's Orders.
 6. The Application is supported by the affidavit of Dr. Davji Bhimji Atellah, and the Applicant prays for the Court's swift and decisive action in the interest of justice and to preserve the sanctity of Court processes.
 7. The 1st Interested Party Dr. Nyaga Patrick Njeru, the Chief Officer of Health Services for the Respondent, through a Replying Affidavit dated 4th December 2024, opposes the Petitioner's Application dated 2nd December 2024, stating that they were enjoined in the proceedings without their consent or approval.
 8. The 1st Interested Party asserts that their role does not involve matters of human resources or payroll, and no evidence has been tendered by the Interested Parties to substantiate the allegations against them.
 9. The 1st Interested Party contends that issues relating to salaries and disciplinary processes have been adequately addressed in the Replying Affidavit of Mr. Peter Ndegwa, the County Secretary and Head of Public Service for the Respondents, sworn on 22nd November 2024. They assert that internal disciplinary processes had commenced prior to the status quo orders issued on 28th October 2024 and that no further action has been taken pending the determination of the matter by the Court.
 10. Regarding allegations of payroll removal, the 1st Interested Party submits that no evidence has been presented to substantiate the claims, noting that annexed documents, such as screen grabs, fail to comply with Section 106B of the *Evidence Act* and lack accompanying certificates of electronic evidence. The screen grabs, if considered, only state that "your current payslip has not been processed" without indicating the date or time of access or disclosing material information to support the allegations.
 11. Additionally, it is noted that no affidavit has been sworn by the alleged affected persons confirming their membership to the union or authorizing the filing of the matter on their behalf. Of the 35 alleged affected persons, only 11 screen grabs have been provided, and one of the individuals identified does not appear as an Interested Party or on the list of affected persons.
 12. The 1st Interested Party further asserts that the allegations in the application are hearsay, lack admissible evidence, and fail to disclose any conduct by the purported contemnors that defies the authority and dignity of the Court. They urge the Court to decline to grant the orders sought in the Application.
 13. Having considered the submissions, affidavits, and evidence presented, as well as the applicable legal principles and statutory provisions, applicant has not raised valid reasons relating to why the contemnors were singled out. They have submitted that they are not concerned with payroll management of the respondents. They have also averred that there is no evidence submitted by the applicants that the members listed belong to the union. There is also misjoinder of the parties as the 1st interested party is now a contemnor yet he is not a member of the union.
 14. This court gave orders of status quo. At the time on 28th October the issue related to delayed salary payment. The applicants' members had also been issued with show cause letters. The court



directed status quo orders an indication that no further disciplinary action was to be taken against the applicants' members.

15. The applicants aver that their members have been removed from the payroll which fact is not backed by any evidence save to indicate that salary has been delayed. This in my view is not proof of disobedience of court orders as issued.
16. This Court finds that the Applicant has failed to provide sufficient and admissible evidence to substantiate the allegations against the Respondents and the purported contemnors. The claims are largely uncorroborated, and the annexed documents do not meet the evidentiary requirements under Section 106B of the Evidence Act to be admissible before this Court.
17. Further, the issues raised in the application appear to overlap with those already pending determination in the main Petition, scheduled for mention on 15th January 2025. Granting the orders sought would risk preempting the substantive issues and determining the Petition at an interlocutory stage, contrary to established legal principles.
18. In light of the foregoing, the Application dated 2nd December 2024 is found unmerited and is hereby dismissed. Costs of the application shall be in the petition.

DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 18TH DAY OF DECEMBER, 2024.

HELLEN WASILWA

JUDGE

ORDER

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of the Constitution which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of Section 1B of the Procedure Act (Chapter 21 of the Laws of Kenya) which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

HELLEN WASILWA

JUDGE

