



Muriuki & another v County Assembly of Kirinyaga & another (Employment and Labour Relations Petition 17 of 2020) [2023] KEELRC 51 (KLR) (20 January 2023) (Judgment)

Neutral citation: [2023] KEELRC 51 (KLR)

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NYERI
EMPLOYMENT AND LABOUR RELATIONS PETITION 17 OF 2020
ON MAKAU, J
JANUARY 20, 2023

BETWEEN

JOE NGATIA MURIUKI 1ST PETITIONER

COUNTY GOVERNMENT OF KIRINYAGA 2ND PETITIONER

AND

THE COUNTY ASSEMBLY OF KIRINYAGA 1ST RESPONDENT

SPEAKER OF THE COUNTY ASSEMBLY OF KIRINYAGA .. 2ND RESPONDENT

JUDGMENT

1. The main issue in dispute in this petition is whether the resolution passed by the County Assembly of Kirinyaga on June 23, 2020 adopting recommendations of sectoral committee on Implementation that they had no confidence with 1st Petitioner herein had the effect of summarily dismissing or removing him from office as the County Secretary without following fair procedure and it has violated his fundamental rights and freedoms.
2. The facts of the case are on all fours with those in Petition No.16 of 2020 filed by Moses Maina Migwi and County Government of Kirinyaga versus the County Assembly of Kirinyaga and Speaker of the County Assembly of Kirinyaga and therefore, the decision and the orders made today in that matter shall apply to the instant petition mutatis mutandis.
3. Accordingly this petition like Petition 16 of 2020 lacks merits and is dismissed with no order as to costs.

Dated, signed and delivered at Nyeri this 20th day of January, 2023.

Onesmus N Makau

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 April 2020, this judgment has been delivered to the parties online with their consent, the parties having waived compliance with Rule 28 (3) of the ELRC Procedure Rules which requires that all judgments and rulings shall be dated, signed and delivered in the open court.

ONESMUS N. MAKAU

JUDGE

