



**Okoti v Board, Export Processing Zones Authority & 3 others; Otieno (Interested Party) (Petition 133 of 2021) [2023] KEELRC 503 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEELRC 503 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
PETITION 133 OF 2021**

**J RIKA, J  
FEBRUARY 28, 2023**

**BETWEEN**

**OKIYA OMTATA OKOITI ..... PETITIONER**

**AND**

**BOARD, EXPORT PROCESSING ZONES AUTHORITY ..... 1<sup>ST</sup> RESPONDENT**

**CABINET SECRETARY, INDUSTRIALIZATION, TRADE AND ENTERPRISE DEVELOPMENT ..... 2<sup>ND</sup> RESPONDENT**

**HON. ATTORNEY-GENERAL ..... 3<sup>RD</sup> RESPONDENT**

**HENRY OBINO ..... 4<sup>TH</sup> RESPONDENT**

**AND**

**EZEKIEL OWUOR OTIENO ..... INTERESTED PARTY**

**RULING**

1. Court: Judgment was delivered on July 29, 2022. The 1<sup>st</sup> Respondent filed an Application for Review of Judgment, dated August 1, 2022. Parties confirmed to have filed and exchanged Submissions on December 14, 2022. Ruling was scheduled for delivery today- February 28, 2023.
2. 4 days ago, on February 24, 2023, the 1<sup>st</sup> Respondent brought an Application under Certificate of Urgency, asking the Court to arrest its Ruling. The Court declined the Application, finding the Application in abuse of its process.
3. Yesterday, a day before the scheduled Ruling is delivered, the 1<sup>st</sup> Respondent renewed its Application for deferment of the Ruling, before the Hon Justice Monica Mbaru, who granted interim orders, ordering this Court not to deliver its Ruling.



4. It is completely against the principle of fair administration of justice, for a Judge of coordinate jurisdiction to issue orders staying the delivery of a Ruling by another Judge. It is completely against the principle of fair administration of justice, for a Party to renew an Application which has been dealt with by the Trial Court and declined, a short while back.
5. The scheduled Ruling is ready, signed and ready for delivery. There was no reason whatsoever, for the file to be diverted before another Court other than the Trial Court yesterday. This matter needs to be investigated by the Principal Judge.

**It is ordered:**

- a. The Application placed before the Hon. Justice Monica Mbaru yesterday, filed by the 1<sup>st</sup> Respondent is struck out.
- b. All consequential orders issued yesterday, purporting to keep delivery of the Ruling scheduled for today in abeyance, are set aside.
- c. The Ruling shall be released to the Parties and placed on the record.
- d. The file to be placed before the Principal Judge for investigations, surrounding the grant of orders made yesterday, February 27, 2023.

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY, AT NAIROBI, UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, THIS 28<sup>TH</sup> DAY OF FEBRUARY 2023.**

**JAMES RIKA**

**JUDGE**

