



**Okoti & another v Koome (Inspector General National Police Service) & another;
National Police Service Commission & 2 others (Interested Parties) (Constitutional
Petition E101 of 2023) [2023] KEELRC 1552 (KLR) (22 June 2023) (Ruling)**

Neutral citation: [2023] KEELRC 1552 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CONSTITUTIONAL PETITION E101 OF 2023**

B ONGAYA, J

JUNE 22, 2023

BETWEEN

OKIYA OMTATAH OKOITI 1ST PETITIONER

MICHAEL KOJO OTIENO 2ND PETITIONER

AND

**JAPHET NCHEBERE KOOME (INSPECTOR GENERAL NATIONAL POLICE
SERVICE) 1ST RESPONDENT**

THE HON. ATTORNEY GENERAL 2ND RESPONDENT

AND

THE NATIONAL POLICE SERVICE COMMISSION INTERESTED PARTY

THE NATIONAL POLICE SERVICE INTERESTED PARTY

**THE INDEPENDENT POLICING OVERSIGHT AUTHORITY INTERESTED
PARTY**

RULING

1. I have considered the submissions made and the material on record, considered the functions of the National Police Service Commission under article 246(3), considered the 1st Respondent is a member of the Commission per Article 246(3)(b), considered the objects, independence and authority of the Commission under Article 249 of the Constitution and considered the public interest for upholding national values and principles of governance in Article 10 as well as the values and principles of public service in Article 232 and order:



1. The matter having been certified urgent, the Respondents and the Interested Parties to file and serve answer to petition and replying affidavits to the application by close of June 27, 2023.
2. Pending the inter partes hearing of the application or further orders by the Court, ad interim orders are hereby given staying the implementation of promotions affecting 514 police officers said to have been unilaterally effected on June 5, 2023 in the National Police Service, and, further staying the implementation of the memo by the 1st Respondent said to have issued on June 9, 2023 said to be prohibiting police officers from applying to fill the 514 vacancies in the National Police Service as already advertised in the press by the National Police Service Commission.
3. Pending the inter partes hearing or further orders of the Court, the National Police Service Commission to forthwith convene a meeting of all the parties herein with a view of amicably considering to resolve the dispute herein within its investigative, conciliation, mediation and negotiation functions and powers envisaged in Article 252(1)(a) and (b) of the Constitution and a compromise may be recorded in Court at next date for inter partes hearing as may be just.
4. *Inter partes* hearing of the application or further orders and directions on June 29, 2023 at 9:30 am or soon thereafter as will be called out per video link and the day's cause list.

SIGNED, DATED AND DELIVERED BY VIDEO-LINK AND IN COURT AT NAIROBI THIS THURSDAY 22ND JUNE, 2023.

BYRAM ONGAYA, PRINCIPAL JUDGE

