



Zakayo & 3 others v Kitui County Public Service Board & 2 others; Kitui County Assembly (Interested Party) (Petition E212 of 2022) [2023] KEELRC 1471 (KLR) (9 June 2023) (Ruling)

Neutral citation: [2023] KEELRC 1471 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
PETITION E212 OF 2022**

NJ ABUODHA, J

JUNE 9, 2023

BETWEEN

**GODFREY KIMANZI ZAKAYO 1ST PETITIONER
GEOFFREY MULINGE CHANGANGU 2ND PETITIONER
ENOCK KIMANZI NGUTHU 3RD PETITIONER
JOSEPH KIMANGA MUTUA 4TH PETITIONER**

AND

**KITUI COUNTY PUBLIC SERVICE BOARD 1ST RESPONDENT
COUNTY GOVERNMENT OF KITUI 2ND RESPONDENT
THE GOVERNOR OF THE COUNTY GOVERNMENT OF
KITUI 3RD RESPONDENT**

AND

THE KITUI COUNTY ASSEMBLY INTERESTED PARTY

RULING

1. On December 19, 2022 the court extended interim orders issued on December 13, 2022 except the Junior Chief Officers whose positions were preserved pending the hearing and disposal of the petition herein.
2. The above position has not been denied by the petitioners and has further been confirmed by the respondents. The court has perused the application for contempt and the supporting affidavit and documents but has not been able to come across any sufficient evidence to demonstrate that the respondents filled the four reserved positions.



3. Contempt is a very serious accusation and ought to be premised on clear and sufficient evidence. None has been provided in this particular case. The court will therefore not delve deeper in the matter and take cognisance of the fact that the petition herein was brought under certificate of urgency. It involves employment of the petitioners and whether they should continue in employment or with the respondent is also concerned that it should fill the positions, the four respondents are occupying if a decision be reached that the petitioners contracts expired and were not renewed.
4. There is therefore need to fast-track and conclude the position.
5. The court will therefore declare the application for contempt unmerited and proceed to dispose of the position.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON THIS 9TH DAY OF JUNE, 2023

ABUODHA J. N.

Judge

In the presence of:-

.....**for the Claimant**

.....**for the Respondent**

