



Ngugi & another v Kenya Airports Authority & another (Employment and Labour Relations Petition E036 of 2023) [2023] KEELRC 3316 (KLR) (20 December 2023) (Ruling)

Neutral citation: [2023] KEELRC 3316 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS PETITION E036 OF 2023
MN NDUMA, J
DECEMBER 20, 2023**

**BETWEEN
SYLVESTER KAMAU NGUGI & ANOTHER PETITIONER
AND
KENYA AIRPORTS AUTHORITY & ANOTHER RESPONDENT**

RULING

1. The applicant in the notice of motion dated February 28, 2023 seeks an order in the following terms:-
 - a. Spent
 - b. That pending the hearing and determination of the application, or petition and or further orders of this Honourable Court, a conservatory orders does issue suspending and or staying the implementation of the award and or decree from the judgment of this Honourable Court delivered in ELRC Cause No. E259 of 2022, on 7th January, 2023.
 - c. That Honourable Court be pleased to set aside the judgment delivered on January 17, 2023 in ELRC Cause No. E259 of 2022
 - d. That costs of the application be provided for
2. The application is premised on grounds 1 to 21 set out on the face of the Notice of Motion and buttressed in the supporting affidavit of the 1st petitioner/applicant the crux of which in this Petition is the contents of the judgment of the court per Abuodha J. delivered on 17th January 2022 in ELRC Civil No. E259 of 2023. Justice Abuodha J. is a sitting judge of E&LRC at Nairobi, where this matter was filed.
3. The court having considered the prayers sought in this application is of the considered view and finding that this court cannot sit on review and or appeal of the determination of a brother judge in ELRC Cause No. E259 of 2023 while that other judge is still stationed at Nairobi.



4. The court however notes that the application is visited by inordinate delay having been filed more than a year from when the judgment of the court was delivered by Abuodha J. on January 17, 2023.
5. Having said that, the court considers that this is an appropriate matter for an administrative direction of the Principal Judge of the court.
6. Accordingly, matter is referred to the Principal Judge, ELRC for directions.

DATED AND DELIVERED AT NAIROBI THIS 20TH DAY OF DECEMBER, 2023

MATHEWS N. NDUMA

JUDGE

