



**Wainaina v Head of Public Service & 3 others (Petition
E129 of 2022) [2022] KEELRC 3877 (KLR) (28 July 2022) (Ruling)**

Neutral citation: [2022] KEELRC 3877 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
PETITION E129 OF 2022**

**J RIKA, J
JULY 28, 2022**

BETWEEN

PROFESSOR PAUL KURIA WAINAINA PETITIONER

AND

HEAD OF PUBLIC SERVICE 1ST RESPONDENT

CABINET SECRETARY MINISTER OF EDUCATION 2ND RESPONDENT

THE COUNCIL, KENYATTA UNIVERSITY 3RD RESPONDENT

THE HON. ATTORNEY GENERAL 4TH RESPONDENT

RULING

- 1 Court: The dispute involving the KU VC and its council, appears to have resulted in 2 petitions pending before the E&LRC. Petition E 123 of 2022 is pending before LJ Stella Rutto.
- 2 The said judge was also seized of the current petition, from its inception, and gave certain orders. Subsequently, the current petition was placed before Dr Justice Gakeri where interim orders issued.
- 3 Those orders appear at cross-purposes with the earlier orders issued by LJ Stella Rutto. In the view of this court therefore, it is prudent that the current application is heard before LJ Stella Rutto on urgency basis, to avoid a situation where this matter, which has generated considerable public interest is mired in inconsistent orders, issued by different judges of this court.
- 4 LJ Rutto will be in a position to determine if interim orders made in favour of the petitioner should remain in place, and probably determine if the 2 petitions should be consolidated.
- 5 In light of this, it is ordered: -
 - a. The respondents to file and serve their respective responses, by 2.30 pm today.



- b. The petitioner may file and serve a supplementary affidavit by 3.30 pm upon receipt of the respondents' responses.
- c. The matter be heard tomorrow before LJ Stella Rutto.
- d. Interim orders are extended to tomorrow.

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY, AT CHAKA,
UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, THIS 28TH
DAY OF JULY 2022.**

JAMES RIKA

JUDGE

