



**Elija Mokaya & 4 others v Kenya Railways Corporation & another;  
Rift Valley Railway Workers Union (Interested Party) (Petition  
76 of 2017) [2022] KEELRC 12780 (KLR) (6 October 2022) (Ruling)**

Neutral citation: [2022] KEELRC 12780 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
PETITION 76 OF 2017  
J RIKA, J  
OCTOBER 6, 2022**

**BETWEEN**

**ELIJA MOKAYA ..... 1<sup>ST</sup> PETITIONER  
DENIS NGACHURA ..... 2<sup>ND</sup> PETITIONER  
DOMNIC LAISA ..... 3<sup>RD</sup> PETITIONER  
MARUTI MAKOKHA ..... 4<sup>TH</sup> PETITIONER  
DANIEL MAGERO ..... 5<sup>TH</sup> PETITIONER**

**AND**

**KENYA RAILWAYS CORPORATION ..... 1<sup>ST</sup> RESPONDENT  
ATTORNEY GENERAL ..... 2<sup>ND</sup> RESPONDENT**

**AND**

**RIFT VALLEY RAILWAY WORKERS UNIONRS ..... INTERESTED PARTY**

**RULING**

1. The court has read the application dated October 5, 2022 filed by the interested party, and that dated September 27, 2022, filed by the 1<sup>st</sup> respondent.
2. The 1<sup>st</sup> respondent has consistently held that the issues in dispute between the petitioners and the respondents, have been settled.
3. The 1<sup>st</sup> respondent prays the court to have the petition marked as settled.
4. The interested party holds that there is no settlement. It has presented an application to be made a co-petitioner.



5. It is the view of the court that there is no pending issue between the petitioners and the respondents. The petitioners have not been appearing in the proceedings, as the petitioners have nothing left to prosecute before this court.
6. An order for the interested party to be joined as a co-petitioner would amount to presentation of a new petition, and does not assist the court in clarification of issues.
7. The interested party, as suggested by the court in the past, ought to present a fresh petition, instead of hanging onto a petition which has been compromised by the principal parties.

**It Is Ordered: -**

- a. The petition is marked as settled between the principal parties.
- b. The interested party is at liberty to present a fresh petition.
- c. The file is closed.
- d. No order on the costs.

**DATED SIGNED, AND DELIVERED VIRTUALLY, AT NAIROBI, THIS 6TH DAY OF OCTOBER 2022.**

**JAMES RIKA**

**JUDGE**

