



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT & LABOUR RELATIONS**

**COURT OF KENYA AT NAIROBI**

**CAUSE NO. E147 OF 2021**

**KENYA AIRLINE PILOTS ASSOCIATION.....CLAIMANT**

**VERSUS**

**KENYA AIRWAYS PUBLIC LIMITED COMPANY.....RESPONDENT**

**RULING**

1. The Claimant seeks what seems to be injunctive relief at this stage. There is argument advanced that if he is unable to proceed to get back in the cockpit soon he will be forced to undertake costly training. As the Respondent is opposed, it seeks time to respond to the assertions by the Claimant. The Courts are generally reluctant to interpose in disciplinary cases as was held in the case of **Kimungui v Bomas of Kenya**.

2. The Court in this instance is unable to accede to grant stay of the disciplinary process as it may bode disaster in the human resource function of entities since a Court ideally ought not interfere unless there is demonstration of bias, illegality and manifest unfairness in the process. As this matter is still at a stage where the merits have not been delved into, I shall decline to grant any stay and allow the Respondent to file a further affidavit within 4 days.

3. The motion shall be heard on Thursday 11<sup>th</sup> March 2021 by any Court at Nairobi ELRC so as to bring closure to the tensions now evident. Once it is heard I believe the Court seized of the matter will give relief or decline to do so having considered both sides.

It is so ordered.

**DATED AND DELIVERED AT NAIROBI THIS 4TH DAY OF MARCH 2021**

**NZIOKI WA MAKAU**

**JUDGE**