



REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

CAUSE NO. E418 OF 2021

KENYA MEDICAL PRACTITIONERS, PHARMACISTS

AND DENTISTS UNION.....CLAIMANT/APPLICANT

VERSUS

THE DIRECTOR, HUMAN RESOURCE,

KENYATTA NATIONAL HOSPITAL.....1ST RESPONDENT

KENYATTA NATIONAL HOSPITAL.....2ND RESPONDENT

AND

1. DR. ALEXANDER KAUGIRIA THURANIRA

2. DR. MAXWELL CHERA GACHIE

3. DR. ANDREW WERE ONYINO

4. DR. ENOCH MAKORI SAGINI

5. DR. ANNE KIMAMA

6. DR. REBECCA MZUNGU MBUCHE

7. DR. BRENDA KIENDE

8. DR. KIBARU PAULINE NYAMBURA

9. DR. EBBY MUTAI

10. DR. HENRY OYATSI

11. DR. NANCY NGUMBAU

12. DR. NICHOLAS INWANI

13. DR. DENNIS GITONGA GIKUNJU

14. DR. JANET MUTHONI WANYAMA

15. DR. JAMES O. AMENGE

16. DR. JAMES KAMAU MATU

17. DR. DENNIS MUTHIANI
18. DR. AQSA YUSUF
19. DR. PENINA KATUNDA NTHAMBI
20. DR. DUNCAN CHWEYA KIBAGENDI
21. DR. LILIAN OBAGA KEMUMA
22. DR. LORNA WAMUYU MWANGI
23. DR. MARK NDUNGU NJOROGE
24. DR. VICTOR MUIA MUTISYA
25. DR. RITA AROGO
26. DR. SADDAM RAJAB
27. DR. STEPHANIE NJERI KARIUKI
28. DR. IRENE SAKWA
29. DR. JOSEPH N. ONKUNDI
30. DR. RUTH MUTETE MULWA
31. DR. MUSTAFA OMAR KASSIM
32. DR. GEORGE TENDE ODUMA
33. DR. BRENDA KIENDE
34. DR. BELINDA NARAYAN
35. DR. DENNIS KARANI NKONGE
36. DR. GEORGE TENDE ODUMA
37. DR. REBECCA M. MZUNGU
38. DR. DANIEL GAKUO
39. DR. CHRISTOPHER ODOK
40. DR. JAMES O. AMENGE
41. DR. TIMOTHY ODHIAMBO
42. DR. KEBASO RAYMOND SIANYO
43. DR. JESSE OMONDI AGULLO
44. DR. CHARLES WAMBUGU
45. DR. OSMAN YUNIS
46. DR. MUTENDE MULINGWA
47. DR. JOEL NDURUHU MWENDA
48. DR. MITO WALTER

49. DR. CHRISTINE OLENDO

50. DR. MUTHOMI BEBO

51. DR. ALICEN JERUTO KIPROP

52. DR. VICTORIA AGATHA MUTHONI KITHINJI

53. DR. SAMMY MBURU NGARUIYA

54. DR. ZAHRA CHANZU

55. DR. YUSSUF ABDIRAHMAN

56. DR. NZIOKA DESMOND

57. DR. ALLAN OMONDI

58. DR. KINYANJUI MUNYI

59. DR. AHMED DEKOW

60. DR. FRANCIS OMINDE

61. DR. SAKWA D. SHINJIRI

62. DR. ABDULLAHI OCASH

63. DR. WINNIE NYABUTO

64. DR. IRENE AKINYI JODO

65. DR. FATMA AWIDHA N

66. DR. GRACE WAMBUI KANGETHE.....INTERESTED PARTIES

RULING

1. The Claimant seeks various reliefs for the Interested Parties who are doctors in the employ of the Respondents. The Motion is unopposed going by the Court portal and the notification by the Claimant that they have not received any replies. In the prayers sought vide Notice of Motion dated 20th May 2021, the Claimant seeks in the main for an order injuncting the Respondents to stop listing for interview or appointment per the advertisement that closed on 13th April 2021. They seek a Mandatory Injunction to direct the Respondent to allow the Interested Parties to continue work in their current positions under the current terms of engagement. These prayers are numbered 4 and 5 in the Notice of Motion. The Court is also requested to issue a further order in terms of prayer 6 in respect to Interested Parties No. 14, 25, 29 and 31.

2. The Court has perused the Motion, heard Counsel and considered the grounds advanced in both the Motion and Affidavit of Bhimji Atallah the Secretary General of the Claimant/Applicant. Indeed, the 66 Interested Parties are doctors, essential service providers serving at one of the largest referral hospital in the region. As such their services under threat of imminent dissolution as noted in respect of Interested Parties No. 14th, 25th, 29th and 31st. The Court finds merit in the prayers craved in prayers 4 and 5 of the Motion before it. As such the Respondent is hereby injuncted against effecting any changes to the employ of the Interested Parties Members of the Claimant as enumerated in Prayers 4 and 5 of the Notice of Motion Application dated 20th May 2021.

3. In regard to the 4 Interested Parties being No. 14th, 25th, 29th and 31st Interested Parties since the evidence of their termination is not availed it would be difficult to give the orders sought in terms of Prayer 6 so as to reinstate them. The Court therefore declines to intercede on their part. The order herein to apply to the Interested Parties save for the 14th, 25th, 29th and 31st who have been apparently dislodged from their positions. This order to subsist pending hearing of the Main Suit.

4. The order be served on the Respondents forthwith. Further directions for the hearing of the Claim to be after 14 days to allow Respondents to file their defences to the suit herein. Mention on 23rd June 2021 for further directions.

So ordered.

DATED AND DELIVERED AT NAIROBI THIS 9TH DAY OF JUNE 2021

NZIOKI WA MAKAU

JUDGE