



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. E071 OF 2021

SAMSON HAYANGA & 45 OTHERS.....CLAIMANT

-VERSUS-

KENYA METEOROLOGICAL DEPARTMENT.....1ST RESPONDENT

MINISTRY OF ENVIRONMENT & FORESTRY.....2ND RESPONDENT

PUBLIC SERVICE COMMISSION.....3RD RESPONDENT

THE NATIONAL TREASURY.....4TH RESPONDENT

THE HON. ATTORNEY GENERAL.....5TH RESPONDENT

RULING

1. The Claimants filed a Notice of Motion dated 27.1.2021 seeking the following orders:

a. That the application be certified urgent.

b. That pending the hearing and determination of the application, a mandatory order do issue directing each of the respondent to directly approve the payment of subsistence allowance and transport for the County Directors of Meteorological Services (CDMS) Claimants/applicants herein.

c. That the respondents do bear the costs of this application.

2. The application is based on grounds set out on the body of the motion and it is supported by the Affidavit sworn by Mr. Samason Hayanga on 27.1.2021. The respondents have opposed the application by the Affidavits sworn by Ms. Stella Aura on 29.4.2021 and 27.5.2021.

3. Having carefully read and considered the orders sought by the application, it is clear that none is capable of being granted at this stage since they are overtaken by events. The orders sought against every respondent were to last pending the inter-parties hearing of the application.

4. The orders were never granted by the court in the first instance and as such they are now overtaken by events.

5. Consequently, the application lacks merits and it is rejected with no order as to costs.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 23RD DAY OF SEPTEMBER, 2021.

ONESMUS N MAKAU

JUDGE

ORDER

In view of the declaration of measures restricting court operations due to the Covid-19 pandemic and in light of the directions issued by his Lordship, the Chief Justice on 15th April 2020, this judgment has been delivered to the parties online with their consent, the parties having waived compliance with Rule 28(3) of the ELRC Procedure Rules which requires that all judgments and rulings shall be dated, signed and delivered in the open court.

ONESMUS N. MAKAU

JUDGE