



REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

CAUSE NO. 1545 OF 2018

EDWARD GITHINJI & 131 OTHERSCLAIMANTS

VERSUS

KENYA MEDICAL RESEARCH INSTITUTE.....1ST RESPONDENT

THE DIRECTOR,

KENYA MEDICAL RESEARCH INSTITUTE.....2ND RESPONDENT

THE BOARD OF MANAGEMENT,

KENYA MEDICAL RESEARCH INSTITUTE.....3RD RESPONDENT

SALARIES REMUNERATION COMMISSION.....4TH RESPONDENT

MINISTRY OF HEALTH.....5TH RESPONDENT

THE CABINET SECRETARY,

NATIONAL TREASURY.....6TH RESPONDENT

THE ATTORNEY GENERAL.....7TH RESPONDENT

RULING

1. As the 4th Respondent has maintained since the issue of the report came up on 9th June 2021, the 4th Respondent had filed report on 27th February 2021. The matter had proceeded in October and December 2019 before Radido J.
2. As the Claimants have all along had sight of the report from March 2020, it would seem the best course would be to proceed. However, so as not to be seen to be shutting out a party from the seat of justice, the Claimants have 7 days to file and serve any additional affidavit they may have, noting that examination and cross examination of the report is yet to take place as 4th Respondent is yet to mount its defence.
3. After the 7 days we will mention the case for fixing of a date as unfortunately the application by Mr. Jaoko dislodges the case from today's hearing. It is unfortunate as the rest were ready today and it is hoped case will be concluded before end of this year since it is now creeping towards 4 years since it was filed. Mention as noted on 13th October, 2021.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 4TH DAY OF OCTOBER 2021

NZIOKI WA MAKAU

JUDGE