



REPUBLIC OF KENYA

EMPLOYMENT AND LABOUR RELATIONS COURT

AT ELDORET

CAUSE NO 22 OF 2018

DAVID KIPCHUMBA KOGO.....APPLICANT

VERSUS

THE COUNTY PUBLIC SERVICE BOARD MARAKWET COUNTY AND ANOTHER

R U L I N G

1. The applicant in the motion dated 19th October, 2020 seeks orders among others that there be a stay of execution of the judgement of the Court delivered on 28th November, 2019 pending the hearing and determination of the appeal intended to be lodged by the applicant.
2. The judgement of the Court was delivered almost one year ago and this application filed on 21st October, 2020 on the same day the Bill of Costs was due for taxation.
3. Whereas the applicant filed notice of appeal on 11th December, 2019, the applicant stated that he requested for certified copy of proceedings and judgement through a letter dated 11th December, 2019 and that he has been unable to lodge the record of appeal due to the delay in the processing of the Court proceedings.
4. An application for stay of execution of judgement of the trial Court is not a function of obtaining typed proceedings of the trial court. The application can be made as soon as the judgement is to be appealed from is delivered once the notice of appeal is lodged. In the circumstances the court is not convinced that there are reasonable grounds for the delay in bringing the present application. Its filing when the Bill of Costs is slated for taxation can only be construed as delaying tactic in the execution of the Court's judgement.
5. The application is therefore dismissed.
6. It is so ordered.

Dated at Eldoret this 4th day of December 2020

Abuodha Jorum Nelson

Judge

Delivered this 4th day of December 2020

Abuodha Jorum Nelson

Judge

In the presence of:-

.....for the Claimant and

.....for the Respondent.

Abuodha J. N.

Judge