



Awuor v Telepost Co-operative Sacco Society Limited & another (Petition 109 of 2017) [2019] KEELRC 2559 (KLR) (24 May 2019) (Judgment)

Tobias Apollo Awuor v Telepost Co-operative Sacco Society Limited & another [2019] eKLR

Neutral citation: [2019] KEELRC 2559 (KLR)

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

PETITION 109 OF 2017

NJ ABUODHA, J

MAY 24, 2019

BETWEEN

TOBIAS APOLLO AWUOR CLAIMANT

AND

TELEPOST CO-OPERATIVE SACCO SOCIETY LIMITED 1ST RESPONDENT

SACCO SOCIETIES REGULATORY AUTHORITY 2ND RESPONDENT

JUDGMENT

1. By a petition filed on 28th March, 2017, the petitioner averred among others that:
 - a. The Petitioner worked for the 2nd Respondent for 15 years until 13th December 2016, when the 2nd Respondent issued a letter to him suspending him from his duties without any salary, benefits or allowances. The 1st Respondent had issued the directive to the 2nd Respondent to suspend the petitioner.
 - b. Before the receipt of the suspension letter the petitioner had caused the FOSA of the 2nd respondent to issue him with three (3) bankers cheques Being No. 49,50 and 51 drawn from Cooperative bank of Kenya, University Way Branch from his FOSA account drawn and which bankers cheques were payable to him. The petitioner had deposited the bankers cheques issued to him by the 2nd respondent's FOSA into his Co-operative Bank account from T-Mall Branch on the 9th December, 2016 and the funds were withdrawn from his FOSA account on the 15th December, 2016.
 - c. After the petitioner received the suspension letter and he was told that his bankers cheques would not be honoured, he caused his current advocates on



record to write to the 2nd respondent on 15th December, 2017 requesting for the reasons for the dishonouring of the bankers cheques yet the suspension letter had no financial allegations.

- d. The 2nd respondent thereafter manipulated their FOSA accounting system and alleged that the bankers cheques had not been made or issued and purported to issue the 1st respondent an account statement which had no entries of the three(3) cheques for K.Shs 300,000/= each which were on the statement obtained by the petitioner.
 - e. The petitioner on 20th January, 2017 commenced proceedings against the 2nd respondent at the Co-operatives Tribunal over my funds held in his FOSA account. He was claiming the funds due from the said bankers cheques which had already been deducted from his FOSA account but had not been credited to his bank account held at Co-operative bank. The proceedings are still ongoing.
 - f. On 10th January, 2017 the Petitioner responded to all the allegations by the 1st respondent through the 2nd respondent as the petitioner was not aware who was the complainant, investigator and who was to rule on the same. It later became apparent that the 1st respondent was the complainant, the investigator, the prosecutor, the judge and the executor.
 - g. The petitioner was not granted an opportunity to cross examine the complainant on some discriminative allegations relating to allowances that the 1st respondent claimed was paid to the petitioner unfairly while the same allowances were also paid to all previous Chief Executive Officers as well as other allegations that the petitioner sought to challenge.
2. As a consequence of the respondent's actions, the petitioner averred that he was unable to procure employment in any sacco as a result of 1st respondent's order, second he was unable to procure employment in any sacco as a result of 1st respondent's order, second, he was unable to access his savings in his FOSA account which was his source of income. He complained further that the directive by the respondent removing him from acting as an officer for any sacco had curtailed him from exercising his right to associate with peers, business associates and which he considered it dehumanizing.
 3. The 1st respondent on their part filed a response to the petition through one John M. Mwaka who deponed on the main that:
 - a. That the Petitioner has circumvented the law and failed to exhaust the remedies, available in law or forums established by law to redress his claim, if any. The Petition ' discloses private law claims whose remedies are comprehensively provided in the Sacco Societies Act (Cap 490 B) Laws of Kenya and the forums to lodge and adjudicate such /claims hierarchically stipulated by the said Act as the Cabinet Secretary in-charge of Cooperative Societies, the Co-operatives Tribunal and the High Court respectively on appeal.
 - b. That the Petitioner herein has admitted to having commenced a suit at the Cooperative Tribunal in Nairobi to wit, Co-operative Tribunal Case No. 30 of 2017 which involves similar parties, relates to the same subject matter and



seeks similar reliefs as the instant Petition. The suit is sub-judice and pending adjudication at the said Tribunal wherein parties are actively litigating over same issues.

- c. That the 1st Respondent is a Statutory Authority established under the Sacco Societies Act (Cap 490B) Laws of Kenya with powers and functions, inter alia, licensing of SACCO Societies to undertake deposit-taking Sacco business in Kenya (popularly known as Front Office Service Authority or FOSA), supervise and regulate such Sacco Societies.
- d. That the key objective of licensing, supervision and regulation of deposit-taking Sacco Societies under the Sacco Societies Act (hereafter the “Act”) and the Regulations made thereunder, is to ensure the protection of the members’ funds deposited in such SACCO Societies by the members thereof and/or the public in general. To achieve the said objectives, the said Act and regulations grant the Authority various supervisory and regulatory powers over both licensed SACCO Societies and their officers.
- e. That the 2nd Respondent is a deposit-taking SACCO Society duly licensed by the 1st Respondent (Authority) under the Sacco Societies Act; and has since the year 2014, been operating under a deposit-taking license issued by the 1st Respondent, and which license has been successively renewed for the years 2015, 2016 and 2017.
- f. That, by virtue of conducting deposit-taking Sacco business, and having been licensed by the 1st Respondent, the 2nd Respondent falls under supervisory regulation of the 1st Respondent pursuant to the provisions of the aforesaid Act as read with the Sacco Societies (Deposit-taking Sacco Business) Regulations 2010 (hereinafter the Regulations 2010); and every officer of the 2nd Respondent is also subject to the jurisdiction of the 1st Respondent in accordance with the aforesaid laws.
- g. That I am aware that on diverse dates between 2007 and 9th December 2016, the Petitioner herein served as an officer of the 2nd Respondent; and in particular served as the Deputy Chief Executive Officer and later promoted to be the Chief Executive Officer of the 2nd Respondent in charge of the day to day management/operations of the 2nd Respondent and with the responsibility to ensure that the operations of the 2nd Respondent are compliant with the law.
- h. That in the course of exercising its statutory mandate of supervision and regulation of the 2nd Respondent, including but not limited to off-site and on-site supervision, the 1st Respondent received information and material, which after careful surveillance and analysis raised reasonable belief and opinion that there were probable and reasonable grounds that the 2nd Respondent’s affairs were being conducted:
 - i. In a manner that was contrary to the Sacco Societies Act and Regulations thereunder;
 - ii. In an unsafe and unsound manner, without paying due regard to the diligence and prudence of an ordinary business man; and or



- iii. In a manner detrimental to and or not in the best interest of the members of the 2nd Respondent herein as well as public interest which matters put to risk the continued sustainability and financial stability of the 2nd Respondent.
- i. That in addition, there were probable and reasonable grounds to believe that the 2nd Respondent's officers were not complying with the conditions imposed by the license issued to the 2nd Respondent for the year 2016, including other unequivocal administrative directives, to the detriment of the members of the 2nd Respondent SACCO Society whose deposits therein were being put or exposed to risk of loss.
- j. That consequent to the foregoing and in order to remedy the situation and protect the members of the 2nd Respondent's funds, the 1st Respondent invoked its statutory supervisory powers under the Sacco Societies Act and the Regulations made thereunder, and intervened in the management and oversight of the 2nd Respondent by commencing and issuing the appropriate supervisory enforcement actions which included:
 - i. Issuance of various administrative directives on 9th December 2016 and 20th December 2016 which were to be implemented by the said 2nd Respondent as an institution.
 - ii. Directing the suspension of one of the members of the Board of Directors of the 2nd Respondent, being the Chairman of the Board, pending the hearing and determination of the specific allegations of misconduct raised against him.
 - iii. Directing the suspension of the Petitioner herein, who was then the Chief Executive Officer of the 2nd Respondent pending the hearing and determination of the specific allegations of misconduct raised against him.
- k. That the said Notice to show Cause letter dated 9th December, 2016 fully complied with all the relevant laws and the Constitution of Kenya in that, the same:
 - i. Listed the specific statement of facts constituting the allegations of misconduct and violations against the Petitioner as an officer of the Respondent in clear terms giving particulars of the claims in sufficient details in a language properly understood by the Petitioner;
 - ii. Required the Petitioner to respond to the listed specific issues or claims or allegations made against him, within thirty (30) days from the date of service of the notice; and
 - iii. Stipulated the available statutory penal consequences or enforcement actions that will be taken against the Petitioner, in



case the Petitioner failed to show sufficient cause why such penal consequences should not follow for the allegations against him.

- l. That the said Notice to Show Cause letter dated 9th December 2016 was duly served upon the Petitioner, both by the Authority on the one hand, and the 2nd Respondent as the Petitioner's employer on the other hand.
- m. That the Petitioner duly acknowledged receipt of the said Notice to Show Cause letter by filing and submitting to the Authority a written response dated 10th January 2017 on each of the specific statements of facts constituting the allegations against him. The Petitioner's written response was dated 10th January 2017 was delivered to the 1st Respondent on 13th January 2017.
- n. That the 1st Respondent thereafter proceeded to fully determine the issues and allegations of violations and impropriety raised against the Petitioner in the Notice to Show Cause dated 9th December 2016; and taking into account the Petitioner's aforesaid response dated 10th January 2017; and 1st Respondent rendered its final reasoned and evidence-based findings and determination vide the letter dated 2nd February 2017 and found that:
 - i. The Petitioner's response dated 10th January, 2017, did not provide or offer sufficient or any reasonable cause or explanation why the 1st Respondent ought not take the supervisory enforcement actions of removing him as an officer of the 2nd respondent SACCO Society; and further prohibiting him from serving as an officer of a SACCO Society in Kenya as provided by law; and
 - ii. Each and every statements of fact constituting grounds for the intention to remove, and reasons for prohibition dated 9th December, 2016 and duly served upon him had been proven.
- o. That, consequently the 1st Respondent in exercise of the powers conferred upon it under Section 51(c) of the Sacco Societies Act as read with Regulations 66, 67 and 72 of the Regulations, 2010 issued directives to the 2nd Respondent SACCO Society to remove the Petitioner from its service as an officer for having conducted and/or caused to be conducted and/or allowed to be conducted the business and management of the 2nd Respondent SACCO Society in a manner that was:
 - i. contrary to the provisions of Sacco Societies Act, and the Regulations made thereunder; and
 - ii. unsafe and unsound mind, without paying due regard to diligence and prudence of an ordinary businessman; and
 - iii. detrimental to, and not being in the best interests of members of the 2nd Respondent, and members of the public at large which put to risk the continued sustainability and financial stability of the 2nd respondent SACCO Society.



- p. That the 1st respondent's removal directive, findings and determinations dated 2nd February, 2017 was duly served upon the petitioner through the petitioner's last known postal address, and upon the 2nd respondent SACCO society for implementation.
- q. That from the foregoing chronology of events it is clear that the 1st respondent followed the due process in instituting the supervisory administrative action against the petitioner as required by law and fair administrative action process.
- r. That I do however wish to point out that upon the finalization of the supervisory enforcement actions against the Petitioner, the 1st Respondent in its Findings and Determinations found it as a fact that the Petitioner owed the 2nd Respondent SACCO Society a lot of money which were either irregularly or fraudulently obtained from the 2nd Respondent on account of credit facilities or on account of the Petitioner's negligence by himself and or with others in the management of the SACCO Society. In particular, the Petitioner owes the SACCO Society the following sums of money:
- i) The sum of KShs. 781,666 on account of unpaid interest in respect of three (3) credit facilities which were unprocedurally obtained by the Petitioner from the 2nd Respondent SACCO Society;
 - ii) The sum of KShs. 672,000 on account of allowances irregularly and illegally paid to the Petitioner from the 2nd Respondent SACCO Society;
 - iii) Unposted interest accruing between 17th April 2014 and 30th June 2015 on a principal sum of KShs. 1,326,000 on account of 2 cheques issued by the former Chairman of the 2nd Respondent, Mr. Richard Thuku, purportedly to clear a loan. The said cheques were never banked notwithstanding the loan account of the said officer was credited with the 2 cheques;
 - iv) Unposted interest accruing between May 2016 and 9th December 2016 on a principal sum of KShs. 2,100,000 on account of 3 cheques issued by the former Chairman of the 2nd Respondent, Mr Richard Thuku, purportedly to clear a FOSA loan. The said cheques were never banked notwithstanding the loan account of the said officer was credited with the 3 cheques.
- s. That I am aware that the Sacco Societies Act as well as the Cooperative Societies Act empower the 2nd Respondent to have a first charge against deposits, share capital and any dividends or interest payable to a member for any debt due from such member, and the 2nd Respondent may refuse to allow withdrawals from any deposit account operated by a member who is in arrears on a debt owed to the 2nd Respondent.
- t. That accordingly, the 2nd Respondent has statutory power to hold the Petitioner's deposits herein as a first charge towards the outstanding debts and credit facilities owed to the 2nd Respondent; and further freeze any withdrawals



and/or any payments whatsoever to and from the Petitioner's account unless the outstanding debt and or credit facilities owed by the Petitioner to the 2nd Respondent have been fully settled to the satisfaction of the 1st Respondent.

- u. That, in order to protect members' of the 2nd Respondent as part of its statutory mandate, the 1st Respondent has demanded that the Petitioner makes good the proven claims against him, before accessing any deposits held as a first charge by the 2nd Respondent, and that is the import of the Administrative Directives dated 9th December 2016, 20th December 2016 as read with the final Findings and Determinations dated 2nd February 2017.
- v. That I am aware that the above decision dated 2nd February 2017 of the 1st Respondent herein against the Petitioner has not been appealed to the Cabinet Secretary as required under the law or at all, and hence Authority's decision, findings and determinations against the Petitioner is binding, and valid for all intents and purposes; and the filing of parallel Petition in this Court, while a similar claim in the Cooperative Tribunal is pending is vexatious and amounts to an abuse of court process.
- w. That I do equally wish to state that the 1st Respondent's actions against the Petitioner applied equally and similarly and severally against other individual members of the 2nd Respondent's management and Board who were investigated and found culpable of misconduct and malpractices that threatened the members' funds held in the 2nd Respondent. In particular, the 1st Respondent has instituted actions against the former Board Chairman Mr. Richard Thuku as stated herein above; and further instituted actions against one Mr. Philip Kattam who was equally an officer of the 2nd Respondent.
- x. That I further wish to state that the regulatory processes being undertaken by the 1st Respondent, on the said SACCO Society, including the various enforcement actions and administrative directives to remedy the malpractices together with its financial stability are on-going processes rather than events, and further actions as may be necessary are being instituted and shall be instituted against any person or officer of the 2nd Respondent who shall be found culpable of occasioning loss of funds to the 2nd Respondent and thereby putting to risk of loss members' funds therein.
- y. That, consequently there was no partiality and or discrimination against the Petitioner or any person for that matter as alleged or at all; and the allegations in the Petition to that extent are denied and the Petitioner put to strict proof thereof; since the actions taken by the 1st Respondent were based on the specific issues of violations by individual officers and directors of the SACCO Society, as well as their individual responses.

4. The 2nd respondent through Maryanne Ndekei further deponed that:

- i. That vide a letter dated 9th December 2016, the 1st Respondent leveled various charges against the Petitioner culminating in the said Petitioner getting suspended for 90 days as investigations into the charges continued.



- ii. That the said administrative directives issued by the 1st Respondent directed the freezing of all transactions in relation to deposits held by the Board of Directors and management.
 - iii. That as per the directives from the 1st Respondent, all transactions and/or deposits in the Petitioner's FOSA accounts held with the 2nd Respondent stood frozen and this fact was well within the Petitioner's knowledge.
 - iv. That sometime on or before the 29th of December 2016, the Petitioner through his advocates on record issued a demand notice to the 2nd Respondent over the failure of the Co-operative Bank of Kenya to honor three Bankers' cheques totaling Kshs. 900,000/= purportedly issued in favour of the Petitioner.
 - v. That we inquired on the same from the 1st Respondent and via a letter dated 29th December 2016, the 1st Respondent reaffirmed the earlier position as per the earlier directive that the Petitioner's deposits held with the 2nd Respondent remained frozen and the said cheques should not be honoured.
 - vi. That the Petitioner's account stood frozen and the erroneous debiting was reversed as per the instructions of the 1st Respondent.
 - vii. That the Petitioner was afforded the time and space to respond to the allegations leveled against him and through a letter, dated 10th January 2017, the Petitioner did respond to the various allegations.
 - viii. That the Petitioner while still on suspension opted to resign from the employ of the 2nd Respondent with effect from the 10th of January 2017.
 - ix. That the 1st Respondent in exercise of its conferred authority and upon investigating and taking into account the response from the Petitioner herein, directed the removal of the Petitioner as an officer of the 2nd Respondent.
5. In his submissions in support of the petition, counsel for the petitioner Mr Chege submitted that the 1st respondent's letter dated 3rd February, 2017 was unconstitutional since it breached article 27(1), 47(1) 50(2) (f,g,k) and article 47(1) of the Constitution.
 6. According to counsel article 27(1) safeguards against discrimination yet the 1st respondent's order was influenced by 2nd respondent's failure to correct the 1st respondent by informing them that the petitioner's salary was fixed by the management and that the petitioner did not at any time fix his remuneration or of others.
 7. The petitioner further complained that under article 47(1) every person had the right to administrative action that was expeditious, efficient, lawful and procedurally fair yet the respondents did not give him any notice and no allegations of financial impropriety was made against him at the time of suspension. According to him all allegations of financial impropriety was made against him at the time of suspension. According to him, all allegations came when he sought to remove his savings from the 2nd respondent's FOSA as a justification to freeze his account and maliciously punish him.
 8. The petitioner further submitted that the respondent did not afford him a fair hearing before issuing the administrative directives dated 3rd February, 2017. He was not afforded a hearing before an impartial tribunal and was not allowed to adduce evidence or cross-examine his accusers.



9. The 1st respondent on its part submitted that the suit was filed in contravention of the doctrine of sub judice. According to Counsel, the petitioner previously filed a civil suit at the Co-operative Tribunal being case number 30 of 2017 between the same parties and on the same subject matter. The respondent further submitted that the petitioner circumvented the law and failed to exhaust remedies available to him in law or lodge such claims in forums hierarchically stipulated by Sacco Societies Act commencing with the Cabinet Secretary in charge of Co-operatives Societies, Co-operative Tribunal and then High Court.
10. According to counsel, the petitioner's dispute in so far as it relates to his deposits falls on fours with the definition of Sacco business. Hence it was the Tribunal which had jurisdiction to hear and determine the same. In support of this submissions counsel relied on the case of Stephen Muchuki Kiunga Vs Nkuru M'tunichu & 2 Others [2013] eKLR where the court was emphatic that before a person files a constitutional petition he must exhaust other remedies available. Regarding the merit of the petition, counsel submitted that the same was devoid of merit. According to counsel, the petition failed to disclose the violation of the articles cited in the petition.
11. Counsel further submitted that article 50(2) cited by the petitioner applies only to criminal or quasi criminal proceedings. In support, counsel relied on the case of JSC Vs Gladys Boss Shollei & another [2014] eKLR. Concerning violation of article 47 rights counselor denied any such violation and submitted that the 1st respondent is a Statutory Authority established under Sacco Societies Act with powers a functions inter alia of licensing of Sacco Societies to undertake deposit-taking Sacco business known as FOSA, supervise and regulate Sacco Societies. The 2nd respondent is a deposit taking Sacco Society licensed by the 1st respondent hence falls under supervisory regulation of the 1st respondent.
12. Section 51 of the Sacco societies Act read together with regulation 67 and 72 gives the 1st respondent enormous supervising and enforcement powers whenever it determines that a Sacco society has conducted its business in a manner contrary to the provisions of the Act or regulations made thereunder. Such powers include the power to direct suspension or removal of any officer involved in such conduct and to restrict withdrawal of deposits from Sacco Society.
13. Counsel further submitted that the respondent in the course of exercising its supervisory and regulatory mandate over the 2nd respondent received complaints from members of the 2nd respondent and the public which upon investigation through onsite and offsite surveillance and analysis raised reasonable belief and opinion that there were probable and reasonable grounds that the 2nd respondent's affairs were being conducted by its management including the petitioner in a manner contrary to the Act and Regulations. And all this time the petitioner was the Chief Executive Officer of the 2nd respondent hence the person charged with the day to day running of the 2nd respondent.
14. The 1st respondent further submitted that the 2nd respondent issued the petitioner with a notice to show cause letter dated 9th December, 2016 to explain why he should not be removed as an officer of the 2nd respondent. The notice set out clearly and comprehensively all the allegations of facts facing the petitioner. If further clearly set out specific statements of facts constituting grounds for suspension and reasons for intended action in detail sufficient to enable the petitioner to respond. The show cause letter further directed the petitioner to submit a written explanation.
15. The petitioner submitted to the 1st respondent a letter dated 10th January, 2017 in which he extensively replied to all allegations and specific statements set out in the notice to show cause. The respondent duly considered the responses given by the petitioner and in its considered findings of 2nd February, 2017, the petitioner was found culpable of all allegations against him thereby in exercise of its powers under section S1 (a) of the Act as read together with regulation 67 and 72(3), the 1st respondent directed



- that the petitioner be removed from office and further found that the petitioner was ineligible to hold office in any Sacco for a period of three years. The petitioner was duly notified of his rights to appeal to the Cabinet Secretary.
16. Having summarized the facts, evidence and submission by both counsels the issue that stand to be determined in this petition are first, does the court have jurisdiction to determine the dispute? That is to say, is it the Court or the Co-operatives Tribunal which is properly placed to decide the dispute? Second, did the petitioner prematurely invoke the jurisdiction of the court? Third in taking the action the 1st respondent did, were the petitioners constitutional rights especially pertaining to the right not to be discriminated against and the right to administrative action that is lawful and procedurally fair, violated. Finally, if the court were to find in favour of the petitioner what are the appropriate remedies to grant?
 17. On the issue of jurisdiction, it is no doubt that as a Chief Executive Officer of the 2nd respondent, he was an employee hence his removal either by way of suspension or resignation is matter over which the court has jurisdiction hence his removal either by way of suspension or resignation is a matter over which the court has jurisdiction of course there is the element of his frozen FOSA savings which strictly could have been a dispute concerning the business of the 2nd respondent and over which the Co-operative Tribunal has jurisdiction, however its close nexus to the issue of the petitioner's suspension and eventual removal as the 2nd respondent's CEO and his prohibition from holding any position in a Sacco in Kenya makes it a matter over which the court will assume jurisdiction under the principle of accrued or consequential jurisdiction.
 18. The second issue is whether the petitioner prematurely invoked the courts' jurisdiction. Regulation 72(6) empowers the second respondent to remove from office any person who directly or indirectly violates the Act, the regulations or Sacco societies by laws; any person who engages or participates in any unsafe or unsound practice in connection with the Sacco Society among others.
 19. Regulation 72(8) further provides that a person aggrieved by the removal order may appeal to the Minister. The petitioner herein has not shown that he appealed his removal by the 1st respondent to the Minister/Cabinet Secretary. The respondent raised the issue and the petitioner neither refuted not justified not appealing to the Minister before coming to court. The court can therefore safely assume that no such appeal was filed first before the matter came to court. Where there is a provision in the statute or regulations that a particular step should be taken such step ought to be taken before a suit is filed. These interlocutory processes are intended to filter disputes leaving the court as the final arbiter once the processes have been exhausted. The court therefore finds that the petition has been prematurely brought contrary to regulation 72(8) of the Sacco Societies (Deposit – Taking Sacco Business) Regulations, 2010.
 20. The third issue is whether in taking the actions the 1st respondent did the petitioner's constitutional rights were violated. The 1st respondent is a statutory body charged with the responsibility of supervision and regulation of Sacco Societies to ensure they conduct their business in accordance with Sacco Societies laws and regulations. In carrying out this task the 1st respondent is clothed with wide powers including prohibition and or removal of a Sacco officer who has flouted the laws and regulations governing the operations and management of Sacco societies' members deposit and to ensure the business of Sacco societies is conducted in way that does not risk the members deposits jeopardize the assets of the Sacco Societies.
 21. The petitioner herein has been accused of running the affairs of the 2nd respondent in a way that was prohibited by the Sacco Societies' Act and regulations. The 1st respondent duly notified him of the charges against him and accorded him an opportunity to answer to the charges which he did however



the respondent was not satisfied with his response and went ahead to exercise its powers as granted by the statute. The petitioner has not shown how in exercising the powers conferred upon it by law the 1st respondent has violated his rights.

22. As observed earlier the 1st respondent has regulatory and supervisory role over Sacco Societies to ensure they conduct their business in a manner that not only does not break existing laws and regulations but also does not risk the deposits of Sacco Society members.
23. Removal of the petitioner in exercise of these powers cannot therefore be said to have violated his rights under the constitution, just like any employee the petitioner could be removed or terminated from employment for justifiable reasons. The reasons for removal need not reach the threshold of guilt but they must be reasons for which a reasonable employer can remove or terminate employee's service.
24. In removing the petitioner and taking the remedial actions as the 1st respondent did, the court does not find any violation of the petitioner's constitutional rights.
25. In conclusion, the Court finds the petition without merit and the same is hereby dismissed with costs.

DATED AT NAIROBI THIS 24TH DAY OF MAY, 2019

Abuodha J. N.

Judge

Delivered this 24th day of May, 2019

Abuodha J. N.

Judge

In the presence of:-

.....for the Claimant and

.....for the Respondent.

