

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NYERI

CASE NO. 236 OF 2016

SAMUEL MAINA NJOROGE.....CLAIMANT/RESPONDENT

VERSUS

TEACHERS SERVICE COMMISSION....1ST RESPONDENT/APPLICANT

THE CABINET SECRETARY

MINISTRY OF EDUCATION.....2ND DEFENDANT

AND

BOARD OF MANAGEMENT,

THANGIRA UMOJA SECONDARY SCHOOL..1ST INTERESTED PARTY

GRACE NJERI MWANGI.....2ND INTERESTED PARTY

RULING

1. The Respondent is seeking stay and the stay sought is that they should be permitted stay pending appeal. In the motion they assert there were grounds for grant of stay because they have an arguable appeal with an overwhelming chance of success whereas the Respondent is of the view the Court cannot award general damages, the Court will grant the stay sought but on condition. The Respondent urges that it is involved in Government Proceedings Act not to suffer consequences of conditions such as security. I disagree. Except for the Central Government most entities that shelter under that umbrella have no money they can confidently assert to be theirs except for some amounts such as what I'll order to be deposited on a fixed account held jointly by the Counsel for the Claimant and the Respondent.

2. The stay is granted conditional on the 1st Respondent depositing a sum of Kshs. 2 Million in a joint interest earning account in the next 21 days failing which stay granted shall automatically lapse and execution issue.

It is so ordered.

Dated and delivered at Nyeri this 11th day of June 2019

Nzioki wa Makau

JUDGE

I certify that this is a

true copy of the Original

Deputy Registrar