

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS COURT OF KENYA

AT NYERI

JUDICIAL REVIEW NO. 9 OF 2018

KENYA MEDICAL PRACTITIONERS,

PHARMACISTS AND DENTISTS UNION AND OTHERS.....APPLICANTS

VERSUS

THE COUNTY GOVERNMENT OF LAIKIPIA.....1ST RESPONDENT

LAIKIPIA COUNTY PUBLIC SERVICE BOARD.....2ND RESPONDENT

AND

PUBLIC SERVICE COMMISSION.....INTERESTED PARTY

RULING

1. Whereas a motion was brought to court for grant of leave, the Respondent is opposed. The court declined to grant leave at *ex parte* stage and declined to have leave sought operate as stay. The Applicants seek relief in the nature of Judicial Review which concerns itself with the procedure and not the merits of the decision. To that end the court will grant the leave to commence Judicial Review proceedings. As to the operation of leave, the court minded that the positions previously held by the Applicants are in the process of being filled, the court also notes some of the Applicants have been appointed to their positions.

2. The court will grant an order of status quo to apply to the Applicants before court pending hearing and determination of the intended Judicial Review which must be filed within 21 days of today failing which the leave granted and the limited conservatory order will stand vacated. Upon service of the Judicial Review the Respondent will have 21 days to reply and directions will be given on 23rd September 2019 before me. To be clear, the Applicants who are already back are to continue serving while those who are not will stay out as the Judicial Review is thrashed out. The parties to accordingly take steps for the speedy determination of the intended substantive motion under Judicial Review.

It is so ordered.

Dated and delivered at Nyeri this 30th day of July 2019

Nzioki wa Makau

JUDGE

I certify that this is a true copy of the Original

Deputy Registrar