

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS COURT OF KENYA

AT NYERI

CAUSE NO. 20 OF 2019

THE COUNTY GOVERNMENT OF LAIKIPIA.....CLAIMANT

VERSUS

KENYA MEDICAL

PHARMACISTS & DENTISTS PRACTITIONERS UNION.....1ST RESPONDENT

DR. OUMA OLUGA.....2ND RESPONDENT

RULING ON SENTENCE

1. I have heard the mitigation by Dr. Ouma and it makes for a compelling reason for leniency on his part as he says he endeavoured to obey the Court Order. As a first time offender and a father of a 10 month old boy, a practicing Physician and an otherwise law abiding citizen, I will order that he and Dr. Atella the Contemnors before me to pay each a fine of Kshs. 10,000/= (Ten Thousand Shillings only) and in default to serve a non custodial sentence of one month of Community Service at Nyeri Law Courts. I hope the conviction above will temper discourse between the parties as court orders are not mere suggestions and there can be no excuse to disobey a court order wilfully.

2. I have exercised mercy due to the eloquent representation by Dr. Ouma of his side of the case. May he not repeat this offence so as to avoid jeopardising his freedom or hard earned money. May the hippocratic oath he swore and the Bible that guides him in his life illuminate areas he needs to change so as to ensure a better outcome in his service.

It is so ordered.

Dated and delivered at Nyeri this 14th day of November 2019.

Nzioki wa Makau

JUDGE