



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

PETITION NO. 80 OF 2017

IN THE MATTER OF ARTICLES 2(1), 3(1),10, 19,

20, 21, 22(1&2),27, 73(2B) AND 232 OF THE

CONSTITUTION OF KENYA, 2010

AND

IN THE MATTER OF CHAPTER 6 ON LEADERSHIP AND

INTEGRITY OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF SECTION 24, 34 AND 41 OF THE

LEADERSHIP AND INTEGRITY ACT NO. 19 OF 2012

AND

IN THE MATTE OF SECTION 9, 10 AND 17 OF THE

PUBLIC OFFICER ETHICS ACT NO. 4 OF 2003

AND

IN THE MATTER OF SECTION 9 AND 10 OF THE BRAND

KENYA BOARD HUMAN RESOURCE AND POLICY

MANUAL(MAY 2006) CODE OF CONDUCT

BETWEEN

PATRICK NJUGUNA.....PETITIONER

VERSUS

MARY MUNYULI LUSEKA.....RESPONDENT

BRAND KENYA BOARD.....INTERESTED PARTY

RULING

1. The application before me is the Notice of Motion dated 16.2.2018. It is brought by the Respondent and the Interested Party in the Petition dated 21.9.2017. The application seeks for striking out of the petition with costs on grounds that this Court lacks jurisdiction and the petitioner lacks *locus standi* to institute the petition. The application is supported by the affidavit sworn by M/s Mary Luseka and the grounds set out on the body of the motion.

2. The application is not opposed as the petitioner neither filed any response to the motion nor attended the hearing on 14.3.2018. Consequently, I allow the application and proceed to strike out the petition dated 21.9.2017 with costs.

Dated, Signed and Delivered in Open Court at Nairobi this 18th day of May, 2018

ONESMUS N. MAKAU

JUDGE