



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF
KENYA AT NAIROBI
CASE NO 1998 OF 2017

KENYA NATIONAL UNION OF NURSES.....CLAIMANT

VERSUS

SALARIES & REMUNERATION COMMISSION.....1ST RESPONDENT

MOI TEACHING AND REFERRAL BOARD.....2ND RESPONDENT

COUNCIL OF GOVERNORS.....3RD RESPONDENT

PUBLIC SERVICE COMMISSION.....4TH RESPONDENT

ATTORNEY GENERAL.....5TH RESPONDENT

COUNTY PUBLIC SERVICE BOARD

CONSULTATIVE FORUM.....6TH RESPONDENT

RULING

1. By a Notice of Motion dated 27th October, 2017, the applicant Mr John K. Bii applied to be enjoined in these proceedings as an interested party.
2. The application was supported by his own affidavit and based on similar grounds as those expounded to in the supporting affidavit. The applicant states that he is the National Chairman of the claimant and as a key member of the National Executive Council he was not involved in the decision to file the claim. He further contended that no resolution of the National Executive Council was passed to file the claim. The claim was therefore a breach of the claimant's Union Constitution, which required that for a case of this magnitude to be filed in court, the National Executive Council of the claimant must meet and pass a resolution authorizing the same.
3. Litigation is an expense in terms of legal and court fees. Further, there is the issue of costs if the suit does not succeed. If it be true as alleged that the General Secretary of the claimant brought this claim without the authority of the National Executive Council, then there is foreseeable risk that if the case does not succeed the claimant union may be called upon to pay costs of a suit it never authorised.
4. In the circumstances, the court is persuaded that the applicant has raised a valid interest in the claim and hereby allows the application as prayed.
5. Costs in the cause.
6. It is ordered.

Dated at Nairobi this 9th day of August, 2018

Abuodha J. N.

Judge

Delivered at Nairobi this 9th day of August, 2018

Abuodha J. N.

Judge

In the presence of:-

..... for the Claimant

..... for the Respondent