



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT & LABOUR RELATIONS**

**COURT OF KENYA AT NYERI**

**PETITION NO. 10 OF 2015**

**KENYA COUNTY GOVERNMENT WORKERS UNION.....APPLICANT**

**VERSUS**

**COUNTY GOVERNMENT OF NYERI.....1<sup>ST</sup> RESPONDENT**

**NYERI COUNTY PUBLIC SERVICE BOARD.....2<sup>ND</sup> RESPONDENT**

**RULING**

1. The Applicant disputes the head count filed on 13<sup>th</sup> March 2018 by the Respondents. The head count was conducted pursuant to a court order and the Applicant objects as the head count was not conducted in compliance with the order. The Deputy Registrar of the Court was absent, contrary to the Court orders. As the Court order was clear, the Court expunges the head count report and orders the Respondents to carry out a head count as directed by the Court. The Respondents are to ensure this is done after giving a notice to the Deputy Registrar and obtaining concurrence on the date and time of the headcount which must be conducted in the presence of the Applicant's representatives. As the Respondent is the cause of the delay in concluding the headcount, the Respondent will pay thrown away costs of Kshs. 50,000/- to the Applicant as the Respondents seem to be deliberately delaying the conclusion of the matter. The costs must be paid within 14 days of today.

It is so ordered.

**Dated and delivered at Nyeri this 21<sup>st</sup> day of September 2018**

**Nzioki wa Makau**

**JUDGE**