



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT KISUMU

Claim No. 180 Of 2018

(Before Hon. Justice Mathews N. Nduma)

REV. DR. ENOS LWAMBACLAIMANT

VERSUS

REV. PATRICK LIHANDA1ST RESPONDENT

REV. ELISHA KIMAIYO2ND RESPONDENT

REV. PATRICK OYONDI.....3RD RESPONDENT

REV. PHILIP OWASI.....4TH RESPONDENT

REV. PAUL KOHLS.....5TH RESPONDENT

REV. HELLEN MIMINN6TH RESPONDENT

REV. GODFREY ONGWAE.....7TH RESPONDENT

REV. DOMINIC SINOGO.....8TH RESPONDENT

REV. EVERLINE KOECH9TH RESPONDENT

PROF. LUCAS SHAMALA10TH RESPONDENT

MRS. FRIDAH CHAHALE.....11TH RESPONDENT

[Sued on behalf of PENTECOSTAL BIBLE COLLEGE-PBC]

RULING

1. By a Notice of Motion application dated 3rd May, 2018 the Claimant/Applicant sought an interim injunction to stop the Respondents and the Board of Governors of Pentecostal Bible College from suspending the Applicant in terms of a letter dated 13th April, 2018.
2. The grounds in support of the Application are well set out in the Notice of Motion and the Supporting Affidavit of the Applicant.
3. Instead of complying with the orders of the court to file a Replying Affidavit, the Respondents filed a counter application under certificate on 18th May, 2018 seeking to set aside the interim orders issued by the court ex parte on 4th May, 2018.
4. Without getting into the merits of the case, the court has considered the depositions by both parties and is satisfied that the Claimant/Applicant has satisfied the requirements for grant of an interim injunction pending the hearing of the suit set out in **Giella v Cassman Brown Company Limited** and confirms the ex parte orders already granted. Personal/private matters are not to be used to interfere with employment contract of the Claimant/Applicant until the facts of the case are fully canvassed. Any Disciplinary proceedings

underway based on personal/private affairs of the Claimant/Applicant are injuncted until all issues are heard and determined in the main suit.

Dated and Signed in Kisumu this 11th day of October, 2018

Mathews N. Nduma

Judge

Appearances

Mr. Musiega for Claimant/Applicant

M/s. Athunga for Respondent

Chrispo – Court Clerk