



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT & LABOUR RELATIONS**

**COURT OF KENYA AT NYERI**

**CAUSE NO. 192 OF 2018**

**JOSEPH MURIITHI NJERU.....CLAIMANT/RESPONDENT**

**VERSUS**

**THE COUNTY GOVERNMENT OF**

**KIRINYAGA.....RESPONDENT /APPLICANT**

**RULING**

1. The motion dated 9<sup>th</sup> August 2018 seeking stay is fit for dismissal. The Respondent/Applicant asserts that if stay is not granted the appeal will be rendered nugatory. The grounds advanced for its grant do not demonstrate the viability of the intended appeal. The Respondent asserts the position that is in issue is vacant. The Claimant's position is not vacant and if the position the Respondent intended to fill is vacant then it is upon Respondent to fill the said position as the Claimant sought and obtained relief against his deployment to another office per the Ruling of 11<sup>th</sup> July 2018. In Order 42 Rule 6, the Applicant is not expected to wait to be asked to furnish security but should furnish security per Order 42 (Rule (6) (2) (a) & (6). There is no demonstration of substantial loss to be suffered by the Respondent.

2. In the premises the grant of stay is denied and the motion seeking stay is dismissed with costs to the Claimant.

It is so ordered.

**Dated and delivered at Nyeri this 14<sup>th</sup> day of November 2018**

**Nzioki wa Makau**

**JUDGE**