



REPUBLIC OF KENYA
EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA

AT KERICHO

PETITION NO. 1 OF 2017

(Before D. K. N. Marete)

ERIC CHERUIYOT.....PETITIONER

VERSUS

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION.....1ST RESPONDENT

PUBLIC SERVICE COMMISSION.....2ND RESPONDENT

ATTORNEY GENERAL.....3RD RESPONDENT

CHIEF OF STAFF AND HEAD OF PUBLIC SERVICE.....4TH RESPONDENT

RULING

This is a Preliminary Objection by the 2nd – 4th respondents dated 27th January, 2017 as follows;

1. That this honourable court lacks jurisdiction to hear and determine this matter under Article 165 of the Constitution of Kenya, 2010.

REASONS WHEREFORE the respondents pray that the suit be struck out with costs.

In support of their application, the 2nd – 4th respondents filed their written submissions dated 2nd February, 2017 whereas the Petitioner filed his dated 3rd February, 2017 on the same date. The 1st respondent also filed her written submissions dated 3rd February, 2017 on 6th instant.

When the matter came for hearing on 6th February, 2017, the parties agreed on a hearing of the preliminary objection and the application dated 2nd February, 2017 simultaneously. They then went onto an elaborate exercise to this extent. This was by way of highlighting their written submissions. I choose to deal with these two matters separately or as the situation warrants. This is because a finding for the Preliminary Objection would oust a consideration of the application dated 2nd February, 2017.

On the preliminary objection, counsel for the 2nd – 4th respondents submitted that the Petition and Application before court challenge the constitutionality of S. 43 (5) and (6) of the Elections Act, No.24 of 2011. It is the position of the petitioner that these sections are discriminatory against public officers in that they require them to resign from office six months before the onset of a general election.

The 2nd – 4th respondent further submit that the petitioner’s supporting affidavit avers that he is a registered voter in Kericho County. He does not say that he is a public officer, or at all.

It is the 2nd – 4th respondents’ further submission that this court derives its jurisdiction from Article 162 of the Constitution as read with Section 12 of the Employment and Labour Relations Court Act. Further, Article 165 (3) (d) provides that subject to clause 5, the High Court shall have jurisdiction to hear questions of interpretation of this constitution and also questions of whether any law is in contravention of the Constitution. This is supported by the conclusion of her written submissions where she submits that this court is a creature of statute and therefore has no capacity to determine the constitutionality of another statute.

She relies on the authority of **Karisa Chengo, Jefferson Kalama Kengha & Kitsao Charo Ngati vs Republic (2015) eKLR** where the learned judges of the Court of Appeal at Malindi sought to distinguish the High Court in current constitutional dispensation as opposed to the previous one as follows;

“It is therefore clear that the High Court no longer had (sic) original and unlimited jurisdiction in all matter as I used to have under the repealed constitution. It cannot deal with matters set out under Section 12 of ELRC Act and Section 13 of the ELC Act. Conversely, the courts contemplated in Article 162 (2) of the Constitution cannot deal with matters reserved for the High Court.”

The 2nd – 4th respondents additionally submit that Section 12 of Employment and Labour Relations Act, 2007 provides that there must always be an employer/employee relationship amongst the parties to litigation. This is not the case here and this therefore

removes this petition from the purview of this court, making it an issue for determination by the High Court sitting in its original jurisdiction. It is their other submission that

equal status and jurisdiction are not the same and that jurisdiction must be conferred by statute or the law.

The second limb of the 2nd – 4th respondents’ submissions is that this issue is being re-litigated. The respondents in support thereof cite the authorities of;

1. Charles Omanga & Others Vs IEBC Nairobi Petition No.2 of 2012.
2. Evans Gor Semelang’o Vs IEBC & Another HC Petition 358 of 2014 and
3. Union of Civil Servants Vs IEBC & Another HC Petition No.28 of 2014, in support of their submission.

The 2nd – 4th respondents submit that the **Charles Omanga** case above cited fits squarely with the issues before this court. It touches on the constitutionality of sections of the Elections Act now before this court. Here, Lenaola, J. (as he then was), at paragraph 32 found that this section was not unreasonable and that the requirement for public officers to leave office was not unjustifiable. This finding was the same in **Evans Gor Semelang’o** where Ngugi, J. in agreeing with Lenaola, J. in the Charles Omanga case held that these provisions were not in contravention of the constitution. And this was repeated in the **Union of Civil Servants** case above cited.

It is their submission that these matters raise the same issues as in this petition and these have been litigated and determined by a court of equal status as this one. No appeal has been preferred against them and therefore this is a request by the Petitioner that this court sits in appeal against its orders. This is an outright abuse of the process of court and is not acceptable.

The 1st respondent in his oral submissions associated with the submissions of the 2nd – 4th respondents. She sets out the first issue for interrogation as one of who is the petitioner. It is her submission that the petitioner as defined does not disclose an employer/employee relationship in the case of the petitioner. It

is her submission that the jurisdiction of this court emanates from Section 12 of the Employment and Labour Relations Court and no more.

The 1st respondent in her written submissions, like the 2nd – 4th respondents brings out the issue of the capacity of the petitioner in reference to this litigation. He however, does not clearly link or relate his observations to the matter in dispute. This is as follows;

16. The Petitioner Applicant is neither a civil servant nor a public servant in whatsoever capacity and has described himself squarely as a voter ailing from Kipkellion Constituency. There is no evidence on record before this Honourable Court to the effect that the Petitioner is an employee or an employer or an official of a trade union for him to invoke the Jurisdiction of this Honourable Court as determined by parliament under section 12 of the Employment and Labour Relations Act hereinabove.

17. The applicant petitioner hasn't tendered any contract of employment. The petitioner/applicant allegations is to the effect that some sections of the law, to wit the section 43(5) and (6) of the Elections Act infringes constitutional rights of some category of public officers in contravention of Article 27 and 38 of the Constitution, as it forces public officers intending to contest in the next general elections to resign six months before the date of elections in accordance with the law.

This court observes a dis-connect between this submission and the respondent's case.

It is the further submission of the 1st respondent that the circular referred to has referred to resignation of public servants and is only informative and a recitation of the law. It is not capable of being challenged.

The 1st respondent again submits that Article 165 reserves the determination of the constitutionality of a law to the High Court. It would not apply or fall within the jurisdiction of this court as this is not an employment and labour relations issue. This is amplified in her written submissions as follows;

*28. The domain of the Employment and labour relations Court is categorically provided for under the hereinabove section 12 of the Employment and labour relations Act and Article 41 of the Constitution. The Court is limited to interpreting **all fundamental rights ancillary and incidental to the***

***employment and labour relations including interpretation of the Constitution within the matter before it.** The petition before the Court is a challenge on the Constitutionality of some sections of the Statute affecting a nonexistent employment contract. This court should not engage in an hypothetical exercise of interpreting a nonexistent contract of employment or labour relations.*

From the onset, the 1st respondent's case comes out as one that rubbishes the petition on grounds that the issues raised therein falls squarely within Article 165 (3) of the Constitution and therefore within the jurisdiction of the High Court. It is her submission that matters relating to the determination of the suitability or constitutionality of a law or particular sections thereof lies within the jurisdiction of the High Court and this court would be disabled in so dealing.

She however acknowledges the jurisdiction of this court in dealing with claims of breach of fundamental rights as they appertain to Employment and Labour Relations at paragraph 26 of her written submissions as follows;

*“... Majanja J in **Petition No.170 of 2012 – United States International University (USIU) Vs The Attorney General & Others**, as upheld in **Daniel N Mugendi v Kenyatta University & 3 others (2013) eKLR**, where the Court while adopting the position enunciated in the South African case of Gcaba Vs Minister of Safety and Security & others CCT 64/08 (2009) ZACC 26, Majanja, J proceeded that;*

“I would adopt the position of the Constitutional Court of South Africa in Gcaba Vs Minister of Safety and Security (Supra). The Industrial Court is a specialist court to deal with employment and labour relations matters. By virtue of Article 162(3), section 12 of the Industrial Court Act 2011 has set out matters within the exclusive domain of that court. Since the court is of the same status of the High Court, it must have the jurisdiction to enforce labour rights in Article 41 and the jurisdiction to interpret the Constitution and fundamental rights and freedoms, is incidental to the exercise of jurisdiction over matters within its exclusive domain. In any matter falling with the provisions of Section 12 of the Industrial Court Act, then the Industrial Court has jurisdiction to enforce, not only Article 41 rights but also all fundamental rights ancillary and incidental to the employment and labour relations including interpretation of the Constitution within the matter before it.”

She however excludes this court in handling issues and litigation touching on the constitutionality or otherwise of statute.

The 1st respondent brought out a side issue in his submissions. This is to the extent that the law sought to be challenged is 2012 enactment. It was applied and implemented in the 2013 general elections and therefore the purport of public participation as pleaded by the petitioner is an abuse of the process of law. Moreover, the petitioner had omitted to enjoin parliament, the body charged with legislation in this suit as mandated by law.

She therefore submitted a case of lack of jurisdiction for this court in a matter challenging the constitutionality of legislation and prays that the preliminary objection be upheld.

The petitioner in his submissions opposed the preliminary objection. He submitted that the petition raises five fundamental issues pertaining to this court’s jurisdiction. It is the petitioner’s submission that Article 165 (5) (b) of the Constitution ousts the jurisdiction of the High Court in matters under the purview of Article 162 (2). On the other hand, Article 165 (3) provides jurisdiction to the High Court but subjects this to Article 165 (5) (b). Article 162 (2) (a) creates this court to hear and determine matters relating to Employment and Labour Relations and by dint of Article 165 (5) (b), these are ousted from the jurisdiction of the High Court. This limitation of jurisdiction by the High Court covers all employees, including public servants as in the present case.

The petitioner further submits that authorities relied on by the 2nd – 4th respondents are distinguishable *in lime*. These are a recognition by the High Court that Article 165 (3) indeed limits its jurisdiction and also appreciate the jurisdictional character of this court as espoused by Article 165 (5) (b) as read with Article 162 (2) (a.) This limitation is spelt out by the opener to Article 165 (3) – *Subject to Clause 5*.

The petitioner at the onset of his written submissions underscores the need to adopt the following principles of constitution interpretation as enunciated in the authority of **Kenya Medical Research Institute vs. The Honourable Attorney- General and others, Industrial Petition No.31 of 2013** as follows;

- (1) that the principles which govern the construction of statutes also apply to the interpretation of constitutional provisions and that the widest construction possible, in its context, should be given according to the ordinary meaning of the words used;*
- (2) that the entire Constitution has to be read as an integrated whole and no one particular provision destroying the other but each sustaining the other;*
- (3) that all provisions bearing on a particular issue should be considered together to give effect to the purpose of the instrument;*
- (4) that a Constitution and in particular that part of it which protects and entrenches fundamental rights and freedoms are to be given a generous and purposive interpretation to realize the full benefit of the rights guaranteed;*

(5) that in determining constitutionality, both purpose and the effect are relevant;

He buttressed these principles by relying and submitting on the authority of **Samson Matende vs. Republic, Malindi H.C.Criminal Appeal No.141 of 2009** as follows;

“Article 259 of the Constitution provides that a function or power conferred by the Constitution on an office may be performed or exercised as occasion requires by a person holding such an office. Article 165(4) mandates the Chief Justice to assign Judges to hear a matter falling there under. It does not provide that the Chief Justice is to set up the Court to hear the matter. So that even if it was to be argued that the High Court is a distinct Court from the Industrial Court, in interpreting the Constitution, we are bound under Article 259 of the Constitution to do so in a manner that promotes its purpose, values and principles and advances the Rule of law, human rights and fundamental freedoms in the Bill of Rights. To interpret the Constitution in a manner that limits or constrains the powers granted to the Chief Justice under Article 165(4) would not in our view advance these principles.”

Further, he sought to rely on the authority of **Kigula and Others vs. Attorney-General (2005) 1 EA 132**, the Uganda Court of Appeal sitting as a Constitutional Court held that the principles of constitution interpretation are;

(1)that the principles which govern the construction of statutes also apply to the interpretation of constitutional provisions and that the widest construction possible, in its context, should be given according to the ordinary meaning of the words used: (2) that the entire Constitution has to be read as integrated whole and no one particular provision destroying the other but each sustaining the other; (3) that all provisions bearing on a particular issue should be considered together to give effect to the purpose of the instrument; (3) that a Constitution and in particular that part of it which protects and entrenches fundamental rights and freedoms are to be given a generous and purposive interpretation to realize the full benefit of the rights guaranteed; (4) that in determining constitutionality, both purpose and the effect are

*relevant; and (5) that Article 126(1) of the Constitution enjoins Courts to exercise judicial power in conformity with law and with the values, norms and aspirations of the people. See also **Besigye and Others vs. The Attorney-General (2008) 1 EA 37 and Foundation for Human Rights Initiatives vs. Attorney General HCCP No.20 of 2006 (CCU) (2008) 1 EA 120.***

The petitioner's other submission is that the second (2nd) limb of jurisdiction lies on Article 22 of the Constitution. This bestows ability to all and sundry to initiate court proceedings in the enforcement of the Bill of Rights. It is the petitioner's submission that should this court not find a case for jurisdiction under Articles 162 (2) (a), 165 (3) and 165 (5) (b), this provision of the constitution would surely endow the same.

It is the petitioners other submission that there is no suggestion that the framers of the constitution intended that the relevant court in the determination of matters relating to fundamental freedoms and the Bill of rights should be the High Court. Article 22 of the constitution bestows authority to all and sundry to initiate court proceedings in this regard. This petition is a public interest litigation on a subject that does not befit the jurisdiction of the High Court. Further, Article 23(2) provides that parliament shall enact legislation empowering subordinate Courts to deal with matters on fundamental rights. It would therefore be a constitutional absurdity to delimit this court when lesser courts have the option of this jurisdiction.

The petitioner in endorsing a case for this court's jurisdiction in declaring an Act of parliament or sections thereof unconstitutional emphasized the import of Articles 162 (2) of the constitution and the Employment and Labour Relations Act besides Articles 22 and 23 of the said constitution. This is also buttressed by the observations of court in the authority of **United States International University (USIU) Vs The Attorney General(2012) eKLR** as follows;

*“Labour and employment rights are part of the Bill of Rights and are protected under Article 41 which is within the province of the Industrial Court. To exclude the jurisdiction of the Industrial Court from dealing with any other rights and fundamental freedoms howsoever arising from the relationships defined in **section 12 of the Industrial Court Act, 2011** or to (so) interpret the constitution would lead to a situation where there is parallel jurisdiction between the High Court and the Industrial Court. This would give rise to forum shopping thereby undermining a stable and consistent application of employment and labour law. Litigants and ingenious lawyers would contrive causes of action designed to remove them from the scope of the Industrial Court. Such a situation would lead to diminishing the status of the Industrial Court ... **to accept a position where the Industrial Court lacks jurisdiction to deal with constitutional matters arising within maters its competence** (sic) **would undermine the status of the court**”*(emphasis the petitioner’s.)

The petitioner in conclusion seeks to rely on authority of **Karisa Chengo, Jefferson Kalama Kengha & Kitsao Charo Ngati vs Republic** (supra), where the learned judges of the Court of Appeal observed as follows;

“It was the intention of the drafters in our view to give the ELRC and ELC independence from the High Court. This independence is essential to the role of the Courts as specialized courts charged with the responsibility of developing coherent and evolving labour relations, environment and land jurisprudence.”

It is his penultimate submission that this court through its jurisdiction provided vide the Articles 22, 23,162 (2) and 165 (5) (b) of the Constitution has and enjoys jurisdiction to hear and determine this petition and therefore urges the court to dismiss the preliminary objection for want of merit.

The issue of determination in this matter is whether this court lacks jurisdiction to hear and determine this matter under Article 165 (3) (d) (i) of the constitution of Kenya, 2010.

The Supreme Court in the authority of **Re The matter of the Interim Independence Electoral Commission Constitutional Application No.2 of 2011** as cited by the 1st respondent proffered that-

“Assumption of Jurisdiction by courts in Kenya is a subject regulated by the Constitution, by Statute law, and by principles laid out in judicial precedent... that a question of jurisdiction ought to be raised at the earliest opportunity and the Court seized of the matter is then obliged to decide the issue right away on the material before it... jurisdiction flows from the law, and the recipient-court is to apply the same, with any limitations embodied therein. Such a court may not arrogate to itself jurisdiction through the craft to interpretation, or by way of endeavors to discern or interpret the intentions of Parliament, where the wording of legislation is clear and there is no ambiguity.”

This was also emphasized by the Supreme Court in the case of **Samwel Kamau Macharia & Another vs Kenya Commercial Bank and 2 others (2012)eKLR** where again the court observed as follows;

“A court’s Jurisdiction flows from either the Constitution or legislation or both. Thus, a court of law can only exercise jurisdiction as conferred by the Constitution or other written law. It cannot arrogate to itself jurisdiction exceeding that which is conferred upon it by law. We agree with counsel for the first and second Respondent in his submission that the issue as to whether a court of law has jurisdiction to entertain a matter before it, is not one of mere procedural technicality; it goes to the heart of the mater, for without jurisdiction, the court cannot entertain any proceedings.....where the Constitution exhaustively provides for the jurisdiction of a court of law, the court must operate within the constitutional limits. It cannot expand its jurisdiction through judicial craft or innovation.”

The subject matter of jurisdiction is as old as the judicial system. In the matter of **Owners of Motor Vessels ‘Lillians’ vs Caltex Oil Ltd (1989) eKLR, Nyarangi JA** at page 14 observed as follows:

“I think that it is reasonably plain that a question of jurisdiction ought to be raised at the earliest opportunity and the court seized of the matter is then obliged to decide the issue right away on the material before it. Jurisdiction is everything. Without it, a court has no power to make one more step”

An answer to this big question would call for an evaluation and interpretation of *inter alia* Articles 162 (2), 165, 22 and 23 of the Constitution of Kenya, 2010. Articles 162 (2), and (3), 165 (3) and 165 (5) (b) together with section 12 of the Employment and Labour Relations Court Act provide for the respective and separated jurisdictions of this and the High Court.

Article 162 (2) of the constitution establishes courts with the status of the High Court to hear and determine disputes in permitted areas. To me, equal status would mean courts similar or bearing sameness with the High Court. It has been argued that this equality particularly bouders on hierarchy but I must bet that this touches on ranking, position and power of the courts of equal status *vis-à-vis* the High Court. This puts all these courts on the same footing. The High Court would not in any way stand out against the courts of equal status but instead they would operate at parity. This is acknowledged in the authorities of **United States International University (USIU) Vs The Attorney-General, Karisa Chengo, Jefferson Kalama Kengha & Kitsao Charo Ngati vs Republic** *et al*, *aforecited*.

The deficiency in a definition of equal status by the constitution was appreciated by Nduma, J. in the authority of **Kenya County Government Workers’ Union versus National Social Security Board of Trustees and 5 Others 2015 eKLR** where the court observed as follows;

“...the Constitution did not define the extent to which the Employment and Labour Relations Court, as a Court having the same status of the High Court should deal with matters that come before it which do not wholly relate to Employment and Labour Relations. However, under Article 159(2) (e) both the High Court and the Employment and Labour Relations Court are enjoined to protect and promote the Principles of the Constitution.”

Article 165 of the constitution establishes the High Court and bestows it with jurisdiction under Article 165 (3). Article 165 (5) (b) however delimits the jurisdiction of the High Court on matters falling within the jurisdiction contemplated under Article 162 (2). This essentially debars the High Court from dealing in matters of which this court has jurisdiction.

The 2nd – 4th respondent and by inference the respondents opine and submits that the High Court and courts of equal status have separate and definite roles and jurisdictions and this cannot be criss-crossed. This was observed in the authority of **Karisa Chengo** (*supra*) as follows;

“Indeed the provisions of Article 165(3)(a) leave no doubt that the High Court has unlimited original jurisdiction in criminal and civil matters save those reserved for two special courts.

Nowhere is it provided under the Industrial Court Act or the Environment and Land Court Act that these two courts shall have jurisdiction to deal with criminal matters other than those matters reserved for specialized courts.

If there had been such an intention, nothing would have been easier than specifically stating so. They too do not have jurisdiction to deal with matters reserved specifically for the High Court and the reasons for that are obvious.”

It is their submission that this is one such case where jurisdiction is reserved for the High Court and therefore this Court lacks jurisdiction to determine the same.

With Article 165 (5) (b) in mind, one begs to answer the question as to whether the subject matter of this application and petition are indeed matters Employment and Labour Relations or strictly restricted to the jurisdiction under Article 163 (3) (d) (i). The petitioner submits one way while the respondent submit the

other way. And this for obvious reasons.

Our guiding principles of constitutional interpretation are enshrined at Article 259 of the Constitution provides as follows;

1. *This constitution shall be interpreted in a manner that-*
 - a. *Promotes its purposes, values and principles;*
 - b. *Advances the rule of law, and the human rights and fundamental freedoms in the Bill of Rights;*
 - c. *Permits the development of the law; and*
 - d. *Contributes to good governance*
2. *If there is a conflict between different language versions of this constitution, the English language version.*
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- 10.....
- 11.....

Foremost, the cardinal rule of statutory and constitutional interpretation is a look at the ordinary meaning of the words used. This entails a literal interpretation of the constitution or statute as drawn. In the circumstances of our case, we may not even require to address the constitutional provisions on interpretation as the ordinary meaning of the words used spell out the purposes of such provisions.

To me, the provisions of Article 162 (2) (a), 162 (3) and 165 (3) and 5 (b) in addition to the preamble and section 12 Employment and Labour Relations Court Act, 2007 clearly define the respective jurisdictions of these separated courts. The Employment and Labour Relations Court comes in to amplify what is already availed by the constitution. The High Court would enjoy its jurisdiction subject to the jurisdiction of this court as provided for under Articles 165 (3) and subjected to Article 165 (5) (b.) And this marks the boundary between these two courts.

As for equality of status, these courts stand at parity. Whatever the High Court can do, this court would do in equal measure. This is however subject to the respective jurisdictions of the individual courts. In other words, this court carries all the constitutional ramifications of the High Court and the only differential is the delineated jurisdictions of the two.

This petition sets out to question sections 43 (5) and (6) of the Elections Act that require public servants wishing to participate in elections to resign from public office at least seven months from the date of election. It is indeed a contest of the constitutionality of such of these provisions of the law. Resignation from employment by public servants ordinarily would be tantamount to voluntary termination of employment. This is an employment matter and obviously is a subject for determination by this court and not the High Court. This is because the jurisdiction of the High Court is subjected to Article 165 (5) (b) which reserves matters of employment and labour relations to this court.

Again, an application of Articles 22 and 23 of the Constitution provides for public interest litigation where any person or the citizenry generally can invoke court proceedings in the event of violation, infringement or threat to the enforcement of the Bill of Rights. The petitioner has clearly submitted that this is a public interest litigation and falls within this provisions of the constitution for validity. I would

therefore agree with the petitioner on these fronts of his case and submission and find in favour of the preliminary objection as presented.

The other side issue by the respondents is whether this matter is a re-litigation of issues already disposed off by a court of equal jurisdiction. It is our finding above that this is the court with the competency and jurisdiction to hear and determine matters employment, labour and connected purposes. Does the issue of re-litigation arise in the circumstances? My answer is no. The matters under reference were heard and determined by the High Court without due regard to its jurisdiction. It is likely that this was not drawn to its attention. I wish to leave the matter at that.

The 1st respondent also brings out a submission to the extent that this matter is faulty in the basis that the petitioner has omitted to enjoin the legislature in this action. The Petitioner does not take this seriously and I borrow his feelings.

In conclusion, I would relate this matter to a three tier hop, step and jump theorem. This is as follows;

- Hop – this comprises of Articles 162 (2) (a) of the Constitution which founds this court. This would go together with Article 162 (3) which empowers parliament to determine the jurisdiction and functions of courts contemplated in clause 2 together with the Employment and Labour Relations Court Act, particularly Section 12 both of which delineates the operational and jurisdictional aspect of this court.
- Step – this is Article 165 (3) and for the purposes of this contest Article 165 (3) (d) (i) all of which vest the High Court with jurisdiction and more so jurisdiction on issue related to this petition.
- Jump- this relates well with Article 163 (5) (b) that *in toto* removes jurisdiction from the High Court in dealing with matters falling within the jurisdiction of courts contemplated in Article 162 (2.) Couple this with the provisions of Articles 22 and 23 of the Constitution that provide for public interest litigation and the authority of court. In the enforcement and upholding of the Bills of Rights and one squarely lands home.

This court, therefore, has the jurisdiction to hear and determine this petition.

I am therefore inclined to dismiss this preliminary objection with orders that each party bears their own costs of the application.

Delivered, dated and signed this 14th day of February, 2017.

D.K.Njagi Marete

JUDGE

Appearances

1. Mr. Simiyu instructed by Musyoka Murambi & Associates for the Petitioner.
2. M/s. Kibet & Obondi instructed by Murugu, Rigoro & Company Advocates for the 1st Respondent.
3. . Mutinda & Miss Langat instructed by State Law Office for the 2nd – 4th Respondents.