

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF

KENYA AT NAIROBI

PETITION NO 16 OF 2014

ZACHARY ONYAMBU MANANI.....CLAIMANT

VERSUS

THE TEACHERS SERVICE COMMISSION.....RESPONDENT

RULING

1. The petitioner herein sought to amend the petition to include provisions of the immediate former constitution.
2. The respondent opposed the amendments contending that the dispute herein is an ordinary employment contract dispute. It is a settled principle of pleadings that a party need not plead a legal provision in order to rely on the same. The amendments will therefore be allowed as prayed.
3. The contention by the respondent that the issues raised are ordinary employment disputes hence not constitutional questions are issues which will be determined once the petition comes to trial on merit.
4. It is so ordered.

Dated at Nairobi this 29th day of September, 2017

Abuodha J. N.

Judge

Delivered this 29th day of September, 2017

Abuodha J. N.

Judge