



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU

CAUSE NO. 92 OF 2014

JOSEPH KIPKORIR KOECH.....CLAIMANT

v

COUNTY GOVERNMENT OF TURKANA.....1ST RESPONDENT

HONOURABLE JOSEPHAT KOLI NANOK.....2ND RESPONDENT

RULING

1. On 28 October 2015, the Court issued summons to the County Secretary, County of Turkana, Peter Erepete, to appear in Court on 18 January 2016 to explain why the County Government had not complied with the terms of a judgment delivered by Ongaya J on 17 October 2014.
2. The summons was issued in the presence of Mr. Muli who held brief for Mr. Change who had appeared for the Respondents through the proceedings.
3. Come 18 January 2016, the County Secretary was not in Court. Counsel for the Respondents was also not in Court.
4. The Claimant informed the Court that he had served the County Secretary with the Summons.
5. However, because there was no affidavit of service on record, the Court directed the Claimant to file an affidavit attesting to the service and set the Cause for mention on 22 January 2016.
6. On 22 January 2016, a new advocate sought to come on record for the Claimant, and the Court gave her time to comply with the rules on change of advocate after judgment and fixed the Cause for mention on 29 January 2016.
7. On record at the time was an affidavit of service sworn by the Claimant (filed in Court on 22 January 2016), deposing that a Deputy Director, Human Resources, Chris Locheria was served with the Summons which had a return date of 18 January 2016.
8. On 29 January 2016, the Court being satisfied that the County Secretary had been served and the firm of Elizabeth Wangari & Co. Advocate was properly on record, issued the warrant of arrest.
9. Pursuant to the warrant of arrest, the County Secretary, Peter Erepete was presented in Court in 8 February 2016, and through his Advocate, he sought the lifting of the warrant of arrest.
10. The Court ordered that the County Secretary be remanded at Central Police Station till today pending this ruling.
11. The warrant of arrest was issued because the County Secretary had not complied with its terms to appear before Court. It was not issued because the County Secretary had not satisfied the terms of judgment by Ongaya J.
12. The Summons were in tandem with section 20(2),(4), (5) and (6) of the Employment and Labour Relations Court Act.
13. The Summons was issued in the presence of Advocate Mr. Muli who held brief for the Respondents counsel on record. The affidavit of service on record also attests to service of the Summons.
14. The Court is satisfied that the County Secretary, County Government of Turkana, Peter Eperete

was aware and had information about the Summons to attend Court on 18 January 2016, but declined and he is therefore invited to make representations why the Court should not order that he be charged in terms of section 20(7) of the Employment and Labour Relations Court Act.

Delivered, dated and signed in Nakuru on this 9th day of February 2016.

Radido Stephen

Judge

Appearances

Claimant in person Elizabeth Wangari & Co. Advocates (on record)

For Respondents/County Secretary Mr. Wakwaya instructed by Rachier & Amolo Advocates

Court Assistant Nixon