



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**  
**AT NAIROBI**  
**CAUSE NO 2106 OF 2015**

**GEOFFREY ASANYO.....CLAIMANT**

**VERSUS**

**THE CHAIRMAN, BOARD OF DIRECTORS, NAKURU**

**WATER AND SANITATION COMPANY LIMITED.....1<sup>ST</sup> RESPONDENT**

**NAKURU WATER AND SANITATION COMPANY LIMITED....2<sup>ND</sup> RESPONDENT**

**RULING**

1. This ruling relates to the Respondents' application dated 8<sup>th</sup> December 2015 and filed in Court on 9<sup>th</sup> December 2015 seeking that the orders granted by **Mbaru J** on 1<sup>st</sup> December 2015 be vacated and that the Claimant's suit and application dated 1<sup>st</sup> December 2015 be struck out.
2. The application which is supported by the affidavit of Osman Ibrahim is based on the following grounds:
  - a. That the Court should not aid egregious actions;
  - b. That the Court lacks jurisdiction to entertain the matter;
  - c. That the Claimant lacks *locus standi* to bring the claim;
  - d. That the suit is brought in bad faith and is an abuse of the court process.
3. In the supporting affidavit sworn by Osman Ibrahim on 8<sup>th</sup> December 2015, it is deponed that the Claimant participated in the shortlisting and interviews of candidates for the positions of GIS Analyst, Technical Manager and Human Resource and Administration Manager but failed to attend the final sitting to which he had been invited.
4. Ibrahim further depones that the persons appointed were qualified to hold the respective positions. From the interview reports, the decisions on the positions of GIS Analyst and Technical Manager were unanimous while that on the position of Human Resource and Administration Manager was carried by a majority of eight (8) out of nine (9).
5. It is further deponed that the Claimant lacks the *locus standi* to bring the claim as he has suffered no

injury from the decisions of the Board and the appointments.

6. Ibrahim states that by bringing this claim, the Claimant is acting in bad faith and is pursuing his own selfish ends.

7. I have looked at the affidavit sworn by Osman Ibrahim in support of this application and find that it raises many issues of fact that need to be tested by *viva voce* evidence. I therefore decline to grant the orders sought and direct the parties to fix the main claim for hearing on priority basis.

8. Orders accordingly.

**DATED SIGNED AND DELIVERED IN OPEN COURT AT NAIROBI THIS 9<sup>TH</sup> DAY OF DECEMBER 2016**

**LINNET NDOLO**

**JUDGE**

**Appearance:**

Mr. Ogola for the Respondents

No appearance for the Claimant