

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW NO. 15 OF 2014

MOHAMOUD HUSSEIN ABDI CLAIMANT

VERSUS

COMMISSIONER GENERAL OF PRISONS 1ST RESPONDENT

ATTORNEY GENERAL 2ND RESPONDENT

Mr. Nyasani for Claimant / Applicant

M/S Mumo for Respondents

JUDGMENT

1. The Applicant was granted leave on 19th May 2014 to file judicial review Application seeking for orders that:
 1. an order for certiorari do issue to remove into this Honourable Court and quash the decision of the 1st Respondent by the letter referenced “PF/ 76000515/168” and dated 13th November 2013 addressed to Mohamoud Hussein Abdi informing him that he is to be retired having attained the compulsory retirement age of sixty (60) years.
 2. an order for prohibition do issue restraining the Respondents from taking any further proceedings, execution or enforcement of the 1st Respondent’s decision in the letter referred “PF/76000515/168” and dated 13th November 2013 addressed to Mohamoud Hussein Abdi informing him that he is to be retired having attained the compulsory retirement age of sixty (60) years.
2. The leave granted operated as a stay of decision made by the 1st Respondent for the compulsory retirement of Mohamoud Hussein Abdi.
3. The application is grounded on the following facts which have not been disputed, the Respondents having failed to enter appearance nor defend this matter.
4. The Applicant states that he was born on 18th May 1956 as per his National identification card and birth certificate produced in support of this Application.
5. On the basis of these documentation, the Claimant states that he is due to retire on 18th May 2016 and not as alleged by the 1st Respondent in the letter dated 13th November 2013, that he was born on 1st July 1954.
6. The Applicant submitted that the decision by the 1st Respondent was made in error and the same should be quashed as prayed and the Court orders that Applicant be retired on 18th May 2016 on which date he will have attained the mandatory retirement age of 60 years.
7. The Respondents having failed to oppose this application, and on the basis of the documentation placed before the Court, the Application is granted as prayed and the Court further directs that the due date for the retirement of the Applicant is 18th May 2016.

Dated and Delivered at Nairobi this 30th day of October 2015

MATHEWS NDERI NDUMA

PRINCIPAL JUDGE