



REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT AT NAIROBI

CAUSE/APPLICATION NUMBER 1481 OF 2013

BETWEEN

**KENYA COUNCIL OF EMPLOYMENT AND MIGRATION AGENCIES
CLAIMANT**

VERSUS

**THE HON. ATTORNEY GENERAL OF KENYA.....1ST
RESPONDENT**

**THE CABINET SECRETARY DEVOLUTION & PLANNING.....2ND
RESPONDENT**

THE PRINCIPAL SECRETARY DEVOLUTION & PUBLIC

**SERVICE/DIRECTORATE.....3RD
RESPONDENT**

**THE SCHOOL OF GOVERNMENT LOWER KABETE.....4TH
RESPONDENT**

**PUBLIC SERVICE COMMISSION OF KENYA.....5TH
RESPONDENT**

**PROF. MARGARET KOBIA.....6TH
RESPONDENT**

**MR. TITUS NDAMBUKI.....7TH
RESPONDENT**

**JUSTER NKOROI NKIROTE.....8TH
RESPONDENT**

AND

**KENYA NATIONAL HUMAN RIGHTS AND EQUALITY COMMISSION...1ST INTERESTED
PARTY**

KENYA UNION OF CIVIL SERVANTS.....2ND INTERESTED

PARTY

RULING

The Claimant initiated these proceedings which are not clear at all, as would enable the Court to understand the Claimant's grievance; the infringement or violation sustained by the Claimant; the cause of the infringement or violation; or the remedies and reliefs sought.

The papers filed by the Claimant are titled Cause/Application Number 1481 of 2013. It is not shown which Rule of the Industrial Court (Procedure) Rules 2010, allows for the filing of a Cause/Application.

Two parties, including the Kenya Union of Civil Servants, are named as 'Interested Parties.' It is not shown when they became 'Interested Parties.' There is no order of the Court making them 'Interested Parties.'

The Industrial Court has been asked to give an 'Opinion'. The Court's constitutional and legal mandate does not allow the Industrial Court to give Parties an 'Opinion.' The Court makes decisions, in contested matters.

The papers filed by the Claimant do not reveal a dispute between an Employer and an Employee, or their respective Organizations. Mr. Nyambega did not explain to the Court, when he appeared to prosecute the Claimant's application on 23rd September 2013, where the Claimant belongs within the Industrial Relations Structure of this Country.

The Claimant states it has come to Court on behalf of dissatisfied Civil Servants of Kenya. There is no material placed before this Court showing there are dissatisfied Civil Servants, who have authorized the Claimant to represent them at the Industrial Court. There is no clarity at all, if before the Court is an Application, a Petition or a Cause.

The Application and Memorandum of Claim are worded in a way that hampers communication between the Claimant and the Court. What is the Court to make of the following prayer?-

"That all discriminative tribal biases in the Public Service circular or other officers uniformed are given duties pertaining to their professional competence against posting into civilian command operation that is discriminative determination of best practices be held."

What is the Court to make of these highfalutin words, which are part of the prayers sought from the Court by the Claimant?

The Claimant has not brought the Claim to Court within the acceptable minimum procedural laws, while the substance of the Claim, is not manifest on the face of the pleadings. **IT IS ORDERED:-**

(a) The Cause/Application Number 1481 of 2013 is hereby struck out in its entirety.

(b) No order on the costs.

Dated and delivered at Nairobi this 3rd day of March 2014.

James Rika

Judge