

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
PETITION NO.E191 OF 2023

IN THE MATTER OF: ARTICLES 1, 2, 3(1), 48, 50(1), 159, 162, 165, 258, AND 259 OF THE CONSTITUTION OF KENYA.

IN THE MATTER OF: THE ALLEGED VIOLATION OF ARTICLES 1, 2, 3(1), 10(2) AND 259(1) OF THE CONSTITUTION OF KENYA, 2010.

IN THE MATTER OF: THE CONSTITUTIONAL VALIDITY OF SECTION 13(1) OF THE KENYA REVENUE AUTHORITY ACT, NO. 2 OF 1995.

IN THE MATTER OF: THE CONSTITUTIONAL VALIDITY OF THE RECRUITMENT OF DEPUTY COMMISSIONERS OF THE KENYA REVENUE AUTHORITY BASED ON SECTION 13(1) OF THE KENYA REVENUE AUTHORITY ACT, NO. 2 OF 1995.

BETWEEN

OKIYA OMTATAH OKOITI..... PETITIONER

~VERSUS~

THE KENYA REVENUE AUTHORITY BOARD OF DIRECTORS.....1ST RESPONDENT

THE HON. ATTORNEY GENERAL.....2ND RESPONDENT

In court on 11th day of October, 2023 before Hon. Justice Byram Ongaya

APPLICATION FOR ORDERS

1. THAT this Application be certified as urgent and fit to be heard forthwith, and be granted ex-parte, and in priority to any other matter herein.
2. THAT pending the inter-partes hearing and determination of this Application and the Petition herein the Honourable Court be pleased to issue an interim order suspending the ongoing recruitment by the KRA Board of Directors of persons to fill eight (8) vacancies in the following offices of the Authority:
 - i. Deputy Commissioner – Trade Facilitation.
 - ii. Deputy Commissioner – Risk Management.
 - iii. Deputy Commissioner – Revenue & Regional Coordination.
 - iv. Deputy Commissioner – Information Communication & Technology.
 - v. Deputy Commissioner – Human Resources.
 - vi. Deputy Commissioner – East & South of Nairobi – Tax Service Office.
 - vii. Deputy Commissioner – Supply Chain Management.
 - viii. Deputy Commissioner – Regional Coordinator – Southern Region.

3. THAT pending the inter-partes hearing and determination of this Application and the Petition herein the Honourable Court be pleased to issue an interim order prohibiting the ongoing recruitment by the KRA Board of Directors of persons to fill eight (8) vacancies in the following offices of the Authority:

- i) Deputy Commissioner – Trade Facilitation.
- ii) Deputy Commissioner – Risk Management.
- iii) Deputy Commissioner – Revenue & Regional Coordination.
- iv) Deputy Commissioner – Information Communication & Technology.
- v) Deputy Commissioner – Human Resources.
- vi) Deputy Commissioner – East & South of Nairobi – Tax Service Office.
- vii) Deputy Commissioner – Supply Chain Management.
- viii) Deputy Commissioner – Regional Coordinator – Southern Region.

4. THAT consequent to the grant of the prayers above the Honourable Court be pleased to issue such further directions and orders as may be necessary to give effect to the foregoing orders, and/or favour the cause of justice.

5. THAT the costs of this application be provided for.

THIS MATTER coming up under certificate of urgency application dated 5th October 2023 on 11th October 2023 before Hon. Justice Byram Ongaya

IT IS HEREBY ORDERED:

- 1. **THAT** the application be served today for inter parties hearing or further orders on 24th October 2023 at 9:00 am or soon thereafter for 15 minutes.
- 2. **THAT** the replying affidavits be filed served by 19th October 2023 and the petitioner may file and serve a further affidavit in response thereto by close of 23rd October 2023.
- 3. **THAT** costs in the cause and parties at liberty to file and serve submissions and authorities by close of 23rd October 2023

GIVEN under my Hand and Seal of the Court this 11th day of October, 2023.

ISSUED at Nairobi.....11th.....day of.....October.....2023.



DEPUTY REGISTRAR

EMPLOYMENT AND LABOUR RELATIONS COURT

Certified True Copy of the Original

Sign:.....

Deputy Registrar Employment and

Labour Relations Court

Date.....11.10.2023.....