

The clerk of the senate  
Parliament Buildings  
P.O BOX 41842-00100  
NAIROBI.

Email: [senatepetition@parliament.go.ke](mailto:senatepetition@parliament.go.ke)

Re: PETITION OF THE SENATE CONCERNING REDEPLOYMENT BY THE COUNTY GOVERNMENT THARAKA NITHI COUNTY FROM DEPARTMENT OF FINANCE AND ECONOMIC PLANNING TO THE DEPARTMENT OF EDUCATION, YOUTH VOCATIONAL TRAINING, CULTURE SPORT AND TOURISM OF LAWRENCE NICHOLAS MUTEMBEI PNO 220170184611 DIRECTOR OF PROCUREMENT.

I the undersigned Lawrence Nicholas Mutembei ID NO 10148678 employment personal number 220170184611 citizen of the republic of Kenya and resident of Tharaka Nithi county draw the attention of the senate of the following;

1. I am an employee of the Tharaka Nithi county as the director of procurement in the department of finance and economic planning.  
That on 13<sup>th</sup> June 2018 pursuant to a complaint lodged by the Charles Mugendi Gitonga I was arrested by the officers from the ethics and anti-corruption commission Isiolo branch and on 18<sup>th</sup> June 2018 I was arraigned in court at chief magistrate court Chuka and charged with anti-corruption case N01 2018; republic-vs-Lawrence Nicholas Mutembei, with three counts of receiving a bribe contrary to section b(i)(a) as read with section of the act NO 49 2016.
  - 1.1. That on 15<sup>th</sup> July 2019 the prosecutor applied to withdraw the proceeding under section 87(a) of the criminal procedure code which application was opposed by my counsel but eventually allowed by the trial court in its ruling delivered on 5<sup>th</sup> August 12, 2019 and the proceedings terminated accordingly.
  - 1.2. That I applied for revision before the high court at Chuka in criminal revision NO 10 of 2019, Lawrence Nicholas Mutembei Vs republic which application was concluded in my favor on 14<sup>th</sup> November, 2019 and accordingly the order made by the trial court allowing the prosecution to withdraw charges under section 87(a) was set aside and the charges terminated under the section 202 of the criminal procedure code. On that 26<sup>th</sup> August 2019, I notified my employer through the county secretary that with the criminal proceeding having been terminated, I would resume duty with effect from 1<sup>st</sup> September, 2019 and also requested that I take a leave of accumulated 15 months annual leave.
  - 1.3. That on 27<sup>th</sup> February, 2020 and before I could resume duties, I was served with a letter dated 24<sup>th</sup> February, 2020 signed by the county secretary and head of public service and in the letter I was notified of my deployment from the department of finance and economic planning (procurement unit) to the department of the education, youth vocational training, culture, sports and tourism as the director of culture with immediate effect.

*DLPS*  
*Please facilitate*  
*25/8/20*



*Mr. Chanis*  
*Please deal*  
*25/08/20*  
*cro*

1.4. That upon receipt of the redeployment letter, I wrote to the county secretary and head of the public service and in my letter dated 28<sup>th</sup> February, 2020 I made reference to the legal provision;

- a) My letter of transfer of service from National water and pipeline corporation
- b) Letter of appointment
- c) County public service human resource policies and procedure manuals for public service 2016
- d) County government act 2012 section 58
- e) Public procurement and asset disposal act of 2015
- f) Employment act
- g) Constitution of the republic of Kenya 2010


1.5 That the import of the letter dated 24<sup>th</sup> February, 2020 by the county secretary and the head of public service was clearly a resignation of my duties from professional procurement officer to cultural officer a job which am not trained or qualified to execute.

2. That I have made the best efforts to have these matters addressed by the relevant authorities all of which failed to give response at all.
3. That none of these issues raised in this petition is pending in any court of law, constitutional or any other legal body.

Wherefore, your humble petitioners pray that the senate;

- 1) Seeks the urgent intervention by the senate in having the redeployment and re-designation reversed.
- 2) Having a senate intervention to order for a formal response from my employer the Tharaka Nithi County.
- 3) The senate order for the reinstatement back to my professional job of director of procurement Tharaka Nithi County.
- 4) The senate order for my job security from victimization by the county secretary and secretary to the county public board and the management of the county.

Dated this.....14<sup>th</sup>.....day of.....AUGUST.....2020

Name	Address	ID NO	Signature
Lawrence Nicholas Mutembei	0711591728	10148678	

If presented by the senator:

Counter signed by senator....., Senator of Tharaka Nithi County

Sen.....

Senator Tharaka Nithi County.