

The Clerk of the Senate  
Parliament Buildings P.O. Box  
41842 – 00100 NAIROBI  
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*Please process*

*24  
24/11/2020*



RE: PETITION TO THE SENATE CONCERNING APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER FOR NATIONAL HOSPITAL INSURANCE FUND (NHIF)

I, the undersigned,

Dr. Alexander Irungu Wanjiru, and resident of Nairobi County;

DRAW the attention of the Senate to the following:

1. Background of the Petition

- 1.1 THAT, the NHIF Board advertised for a vacancy in the position of Chief Executive Officer in July 2019, and invited shortlisted candidates for interviews on 17<sup>th</sup> January 2020 at their boardroom on 10<sup>th</sup> floor of NHIF building;
- 1.2 THAT, sometime in February 2020, the NHIF Board chairperson Mrs. Hannah Muriithi and Health Principal Secretary Mrs. Susan Mochache informed the National Assembly Health Committee that the interview process conducted on 17<sup>th</sup> January 2020 was conclusive, and that they forwarded names of the top three candidates to the outgoing Health Cabinet Secretary, and that the board was waiting for the appointment of a substantive Health Cabinet Secretary to appoint the NHIF CEO from those three names ;
- 1.3 THAT, without cancelling the initial recruitment process which was conclusive, the NHIF Board re-advertised the position of CEO on 24<sup>th</sup> February 2020 and changed some eligibility requirements by deleting the expression “ relevant business field” and replacing it with the word “ Medicine” ;
- 1.4 THAT, the NHIF Board held a “Special Board Meeting On Recruitment Of The Chief Executive Officer” on Friday, 20<sup>th</sup> March 2020, listed among the agenda was “Report from the Secretariat”, and in attendance was Dr. Mercy Mwangangi “(on Special Invitation)”, Chief Administrative Secretary-Ministry of Health;

*① DKPS  
Please facilitate  
matter  
23/11*

*③ Ms. Macharia .*

*Please review the  
Petition and facilitate  
appropriately  
D. Macharia  
24/11/2020*

RE: PETITION TO THE SENATE CONCERNING APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER FOR NATIONAL HOSPITAL INSURANCE FUND (NHIF)

- 1.5 THAT, the NHIF Board proceeded to handpick and appoint Dr. Peter Kamunyo Gathege as the new NHIF CEO without subjecting him to competitive recruitment process, vide a public notice dated 9th April 2020;
- 1.6 THAT, the NHIF Board refused to appoint as CEO the person who emerged top at the interviews, despite specific provisions of the Constitution and Statutes, which require appointments for such positions in state corporations to be competitive and on merit ;
- 1.7 THAT, the NHIF Board violated its own NHIF Act as amended in 2014, Section 10 (1) which states that: “ *There shall be a Chief Executive Officer of the Board who shall be recruited competitively by the Board.....* ”;

**2. A matter of Urgent Public Interest**

- 2.1 THAT, the actions of NHIF Board are deliberate and contemptuous violation of the express provisions of the Constitution, Statutes and Public Service Management Guidelines, and are conveniently designed to achieve undeclared collateral purposes far from public interest;
  - 2.2 THAT, the matter is of extreme public interest because of the fraud schemes and public suffering associated with such unlawful actions in previous decisions by the NHIF Board and its Management;
  - 2.3 THAT, the petitioner is apprehensive that unless this petition is heard and determined immediately by this Honorable Senate, Dr. Peter Kamunyo Gathege will without merit, and unlawfully continue to occupy and execute the mandate of the NHIF CEO, and may do things that the public at large stand to suffer irreparable loss;
  - 2.4 THAT, the Honorable Senate has the jurisdiction to protect the Constitution, rule of law, public interest and safeguard the right of the Kenyan who merits to be the CEO of NHIF by the outcome of the competitive recruitment process which started with advertisement on July 2019 and concluded with interviews on 17<sup>th</sup> January 2020 ;
3. THAT, I have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to respond.
  4. THAT, none of these issues raised in this Petition is pending in any court of Law, or constitutional or any legal body.

RE: PETITION TO THE SENATE CONCERNING APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER FOR NATIONAL HOSPITAL INSURANCE FUND (NHIF)

WHEREFORE, your humble petitioner pray that the Senate-

1. Investigate into any unlawful and discriminative activities perpetrated by the NHIF Board in the course of this recruitment process;
2. Determine whether, where persons met the eligibility threshold set in the July 2019 advertisement for the position of CEO for NHIF, the Board had the power under any written law to decline to appoint as CEO the top candidate from those it interviewed for the position, then handpick and appoint a person who was never part of the competitive recruitment process as it has done;
3. Confirm the competitive recruitment process that started with advertisement of the vacancy in July 2019 to include *inter alia*, list of applicants, list of shortlisted candidates, list of interviewed candidates on 17<sup>th</sup> January 2020 and marks scored by each candidate, names and scores of the three candidates forwarded to Health Cabinet Secretary for appointment;
4. Ascertain any competitive recruitment process that Dr. Peter Kamunyo Gathege participated in, to include *inter alia*, advertisement of the vacancy, list of applicants, list of shortlisted candidates, list of interviewed candidates and marks scored by each candidate, minutes of the board meeting for the interview and the letter from the Ministry of Health approving and/or appointing Dr. Peter Kamunyo Gathege to the position of CEO of NHIF;
5. Determine the proceedings and resolutions of the NHIF Board Special Meeting of Friday, 20<sup>th</sup> March 2020, and whether the action to handpick and appoint Dr. Peter Kamunyo Gathege as the NHIF CEO promoted competitiveness, fairness and merit, and establish the role of Dr. Mercy Mwangangi in that meeting;
6. Issue orders quashing the tailor-made advertisement of 24<sup>th</sup> February 2020 since the competitive recruitment process had already been concluded, quash the appointment of Dr. Peter Kamunyo Gathege as the CEO of NHIF, and compel the NHIF Board of Management to appoint the topmost candidate from the competitive recruitment process as the new CEO of NHIF ;
7. Be pleased to issue any further order(s) that it shall deem fit and necessary to give effect to the cause of justice, fairness, merit and safeguard public interest.

And your Petitioner will ever Pray.

Dated this 23<sup>rd</sup> day of November 2020.

No	NAME	ADDRESS	ID,NO	SIGNATURE
1.	DR. ALEXANDER IRWAN WANJIRU, PhD	8903-00100 NAIROBI 0721684072	12993974	