

Annex 3:

Submissions made by Hon. Enock Okeru

County Assembly Buildings
P.O Box 590-40500
Nyamira



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TEL No.0724334406

THE COUNTY ASSEMBLY OF NYAMIRA

OFFICE OF THE SPEAKER

REF: CAN/CASB/SPK /2025/APRL (1)

7th April, 2025

**THE CLERK,
SENATE,
PARLIAMENT BUILDINGS,
NAIROBI.**

Dear Sir,

RE: LEADERSHIP DISPUTES AND OPERATIONS AT THE COUNTY ASSEMBLY OF NYAMIRA.

Reference is made to your letter **Ref:SEN/DGAC/DEVIR/2025/055.**

The County Assembly of Nyamira wishes to respond on the legal and procedural matters over the recent leadership and administrative disputes as hereunder:

In the Months of **October 2023** and **September, 2024** the County Assembly, acting within the law, procedure and in accordance with Nyamira County Assembly Standing Orders the county Assembly attempted to impeach H.E Governor Amos Nyaribo but in vain. This is a procedural and democratic trend in the County Assemblies Legislative processes. The outcome of the failed attempts split the County Assembly Members to two factions.

I write to formally bring to your attention that the ongoing political and legal crisis at the County Assembly of Nyamira, is deep rooted in deep-seated power struggle involving control over the County Assembly resources and early political maneuvering in anticipation of the 2027 General elections using illegal and irregular means, including attempts to interfere with the County Assembly Service Board (CASB) and its operations. This situation has created instability, legal disputes, and a serious threat to the proper functioning of county government institutions.

The ultimate objective of these external actors is to control County Resources and influence succession politics. In light of these developments, it is important to highlight the following key events:

1. Election of Speaker, gazettelement and suspension of the Speaker-on 27th September, 2022

Honourable Enock Okero was elected to office as the Speaker of the county assembly, a position he is serving to date.

Suspension of the Speaker – On **8th October 2024**, the Speaker of the County Assembly of Nyamira was violently evicted by use of force while presiding over the morning session. The matter was reported at the Nyamira police station.

On the **9th October 2024**, the Speaker was served with a suspension letter on WhatsApp by **Hon. George Abuga MCA for Bogichora ward:**

Annexure 1.

- (a) Gazettelement of speaker.*
- (b) Video on Assault /violent removal from the chambers and office.*
- (c) Letter of suspension.*
- (d) Police OB number 32 Nyamira police station.*
- (e) Medical report dated 8th October ,2024.*

2. Court Order/intervention – On the **11th October, 2024**, The Speaker successfully challenged the suspension at the Nyamira High Court vide **Petition E008/2024** and was granted conservatory orders that clearly put him in office to date.

Annex 2 HCCHRPET/E008/2024 Conservatory Court Orders.

3. An attempt to access office -On **15th October, 2024**. The Speaker tried to access his office at the county assembly building but the a section of MCAs mobilized a section of staff members and armed strangers who had been ferried to the county assembly building and blocked him from accessing the county.

Annex 3 video on access to assembly.

4. Impeachment Attempt – Aware of conservatory court orders, A section of the defiant MCAs proceeded to carry out an illegal impeachment on **24th October, 2024** after hurriedly amending standing orders No. 60,(1) procedure for removal of the Speaker by reducing the threshold for the removal of the Speaker from a higher threshold of 75% that is (26 MCAs) to two-thirds (23MCAs) in-order to meet the objective of impeachment. The hurriedly made changes of the standing Orders have never been gazetted to date, thus rendering the process null and void.

Annexure 4:

(a) County Assembly order paper 17th October, 2024

(b) Amendment extract to County Assembly Standing Orders from 75% to 2/3 of the total number of Honourable Members of the County Assembly of Nyamira.

5. Contempt of Court orders – The Speaker cited the Assembly’s actions for contempt – for an illegal impeachment and the Nyamira High Court found that the application merited and the six respondents plus the Ag. Clerk then (Mr. Duke S. Onyari) were guilty in its ruling on the **4th November, 2024** as observed in paragraph 7 of page 7 of the ruling. The court then summoned the MCAs to appear in court on **16th December 2024** to show cause why they should not be committed to civil jail for contempt.

Annex 5 Contempt ruling

6. Apology and Pledge to Obey Court Orders – on **16th December 2024** and upon pleading for leniency, the Court pardoned the guilty contemnors and had a Preliminary Objection Ruling addressing the issue of jurisdiction raised by the respondents and went ahead to transfer the case to Kisumu ELRC with the orders in place as petition **E052 Of 2024**. The main argument of the Court transferring the matter was because there were other similar matters that ought to have been consolidated at the employment Court. The contemnors really begged the court and were granted lenience of the court and pardon. They further promised the court that they shall obey court orders henceforth.

Annex 6. Contempt Purging E008/2024

Video of MCAs pledging to obey court orders.

7. Suspension of the Ag. Clerk – Pursuant to Section 22 of the County Assembly Services Act 2017, the County Assembly Service Board vide MIN 07/CAN/CASB/25/10/2024 resolved to suspend Mr. Duke Onyari the then Ag. Clerk,

Consequently, the CASB instructed Mr. Duke S. Onyari to hand over to the new Ag. Clerk Mr. Silvanus Ndemo Nyamora. The board also instructed the Director Finance Mr. Leonard Nyamasege to facilitate a smooth transition process. Both Mr. Duke S. Onyari and Mr. Leonard Nyamasege did not oblige to facilitate the smooth transition process as direct by the CASB.

Annexre: 7.

- a) *Suspension of the Ag. Clerk*
- b) *Show cause to the Ag. Clerk*
- c) *Handover letter*
- d) *Letter to Director Finance*

8. Appointment of New Acting Clerk –Mr. Silvanus Ndemo Nyamora. On **25th October, 2024**, In accordance with Section 21 of the County Assembly Services Act 2017, the County Assembly Service Board Mr. Silvanus Ndemo Nyamora as the new Ag. Clerk and gazetted him vide **gazette notice no. 14230**

Annex 8. Appointment letter and Gazette notice on the Appointment Ag. Clerk

9. Legal Manoeuvres by the defiant faction of the MCAs – After the presiding judge in the Nyamira high court Hon. W. A. Okwanyi proceeded on leave, the defiant faction of MCAs amongst them six (6) contemnors and the suspended Ag. Clerk Mr. Duke S. Onyari manouvred and obtained court orders from the Kisii high Court presided by Lady Justice Odera Teresa, setting aside a number of gazette notices which were previously published by the substantive Speaker the Hon. Enock Okero. The orders were obtained vide Judicial Review application **E007/2024** by concealing material facts at Kisii High Court. The aforementioned defiant MCAs had earlier sought similar prayers in case **HCJR E005/2024 at the Nyamira High Court**. The duty judge was also not aware of the preceding events i.e. court orders (**HCHRPET E008 of 2024**) restraining interference of discharge of duties and responsibilities of Hon. Enock Okero as Speaker of the County Assembly of Nyamira. On the same note the same faction of MCAs and the Suspended Ag. Clerk filed a petition at the Milimani High

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Court against the Government Press of which the Case was referred to Nyamira High Court but subsequently never appeared to defend or file any further submissions on the said petition. The same was dismissed upon 7days lapse.

Annex 9. Are stay orders HCJR E007/2024 County Assembly vs Enock Okero and orders HCJRMISC E007/2025 County Assembly vs State Law office and Government.

10. Vacation and setting aside of Stay Orders on Gazette notices – The Hon. Speaker Enock Okero applied for the vacation of the said orders and granted a ruling vacating the previous stay orders citing material concealment as the two petitions were one and the same thing hence an incident of forum-shopping for court orders.

Annex 10. HCJR E007/2024 -Ruling on Vacation of gazette stay orders.

11. Unlawful Attempt to Restructure County Assembly Service Board – On **28th November, 2024**, the defiant faction of MCAs in collaboration with the suspended Ag. Clerk Mr. Duke S. Onyari purported to have removed two external board members (Ms. Edith Nyaboke Omari and Mr. Leonard Okari Mogaru) through an illegal sitting presided over by an impersonating Speaker. Furthermore on the **27th March, 2025** the same team conducted an illegal recruitment exercise whereby they illegally employed one **Ms. Gladys Nyoteyo Ogendo a TSC employee at Nyanchwa High School and wife to Hon. Ogeto Samuel current MCA Manga Ward** to represent the female gender and a close relative to another sitting MCA to represent the male gender in the County Assembly Service Board as external members. All these are done without the knowledge of the Chairperson and the Secretary of the County Assembly Service Board thus an illegality.

Annex 11. Order paper 27th March 2025

12. Purported election of a new Speaker and Appointment of Clerk - Despite the matter being active in Court the same section of MCAs with the assistance of the suspended Ag. Clerk Mr. Duke Simeon Onyari went on to conduct an election to fill the otherwise non vacant seat of the Speaker with one Honorable Thaddeus Nyabaro, the MCA Ekerenyo Ward being purportedly elected as the Speaker of the County Assembly of Nyamira.

It should also be noted that the election of Thaddeus Nyabaro as Speaker was conducted contrary to the provision of **Article 178(1)** which provides that a Speaker shall be elected by Members of the County Assembly from persons who are not Members of the County Assembly.

A Member of the Public, Mr. Edwin Onchoko, through a petition number, **PET/E001/2025** in the High Court of Nyamira challenged the legality of the purported election of the Speaker of the County Assembly Nyamira having been undertaken by the aforesaid faction of the MCAs. Orders were issued restraining Honourable Thaddeus Nyabaro from acting or purporting to act as Speaker. To this end, the case is ongoing.

Ironically, the defiant faction of MCAs, proceeded against the legal provisions of the law to appoint the suspended Ag. Clerk, Mr. Duke S. Onyari as a Substantive Clerk to the County Assembly of Nyamira. This flawed process has attracted a legal challenge by a member of the public in the Employment and Labour Relations Court case number: **ELRCPET/E001/2025** whose ruling is due on the **6th May 2025**. The law provides as below:

(County Government Act 2012 amended Section 13(2))

(1) There shall be a clerk of the county assembly, appointed by the county assembly service board with

the approval of the county assembly.

(2) A person shall not be qualified for appointment as a clerk of the county assembly unless such person—

(a) is a citizen of Kenya;

(b) holds a degree from a university recognised in Kenya or its equivalent;

(c) has had at least five years relevant professional experience;

(d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

County Assembly Services Act, 2017 Section 18(1)

18. (1) The nomination of a person for appointment as a Clerk of the county assembly under section 13 of the County Governments Act shall be done through an open, transparent and competitive recruitment process.

The above provisions were blatantly ignored and locally done with no legal backing.

Annexure 12:

(a) Order paper on election of speaker and appointment of clerk on the 19th December, 2024

(b) Appointment letter of Mr. Onyari as Clerk

(c) HCCHRPET/E001 of 2025 at Nyamira High Court-Petition against the illegal appointment of Speaker of County Assembly of Nyamira

(d) Video on the swearing in/oath taking by illegally elected speaker

13. Legitimacy and legality of the County Assembly Service Board (CASB)

Based on court rulings and due process, the legitimate and legally recognized County Assembly Service Board (CASB) Members of the County Assembly of Nyamira consists of:

1. Enock Ogori Okero – Chairman
2. Joel Ombongi – Vice Chairman
3. Lameck Sikweya Onyancha – Member
4. Edith Nyaboke Omari – Member
5. Leonard Mogaru – Member
6. Silvanus Nyamora – Secretary as per Gazette notice 14273 and 14230

These members are the only legally recognized officials authorized to transact business, including placing of Gazette Notices at the Government Press on behalf of the County Assembly of Nyamira through the Chairman or the Secretary. The County Governments Act Section 12 highlighted, spells out composition, the tenure and when/why they cease to be such members. The interference of the Board's composition has created confusion as per the letters attached, however the Court has since directed on who can handle the affairs of the Assembly as it determines the matters before it comprehensively.

County Governments Act Section 12

The county assembly service board

- (1) There shall be a county assembly service board for each county assembly.*
- (2) The county assembly service board shall be a body corporate with perpetual succession and a common seal.*
- (3) The Board consists of—*
 - (a) the Speaker of the county assembly, as the Chairperson;*
 - (b) a vice-Chairperson elected by the Board from the members appointed under paragraph (c);*

- (c) two members of the county assembly nominated by the political parties represented in the county assembly according to their proportion of members in the county assembly; and
- (d) one man and one woman appointed by the county assembly from amongst persons who are experienced in public affairs, but are not members of the county assembly.
- (3A) The members of the Board appointed under section 12(3)(d) shall serve on a part-time basis.
- (4) The county assembly clerk shall be the secretary to the county assembly service board.
- (5) A member of the county assembly service board shall vacate office—
- (a) if the person is a member of the county assembly—
- (i) at the end of the term of the county assembly; or
- (ii) if the person ceases to be a member of the county assembly; or
- (b) if the person is an appointed member, on revocation of the person's appointment by the county assembly; or
- (c) if the person is the Speaker, when the person ceases to be such Speaker.
- (6) Despite subsection (5), when the term of the county assembly ends, a member of the county assembly service board under subsection (3)(d) shall continue in office until a new member has assumed office in the member's place in the next assembly.

Annexures 13:

- a) *Letter from the CoB dated 10th December, 2024*
- b) *A letter from Commission on Administrative Justice*
- c) *Milimani High Court ORDER on case no. HCCC/E050/2025 County Assembly of Nyamira vs Central Bank of Kenya.*
- d) *Nyamira high court ORDER on case no. E004 of 2025 Nyamira county assembly service board vs central bank of Kenya*
- e) *Gazette notice 14273 – County Assembly Service Board.*

14. Damages already caused by the Suspended Ag. Clerk Mr. Duke S. Onyari and the illegal board include;

- i. Suspension and dismissal of staff members who hold contrary opinion.
- ii. Harassment and Stoppage of salaries of members of staff mainly those who are perceived to obey and observe the law,
- iii. Payment of an illegal Speaker while removing the legitimate Speaker from the payroll,

- iv. Jeopardizing the operations of the Assembly since he is not a signatory to the Assembly bank accounts for instance Office of Controller of Budget (OCoB) can not approve requisitions done by the Suspended Ag. Clerk.
- v. Non payment of essential goods and services especially the Assembly has no active Medical Cover for Hon. Speaker, Hon MCAs and the staff members.
- vi. Closure of County Government offices
- vii. Illegal and Irregular promotions especially to those perceived to be aligned to the defiant faction of the MCAs and the suspended Ag. Clerk including creation of three deputy clerk positions.
- viii. Facilitating the illegal recruitment of external board members
- ix. Radicalization of staff and incitements into matters that don't concern them

Annexure 14:

- (a) *Hon. Nyabaro 'Payslip*
- (b) *Stoppage of salaries on members of staff.*
- (c) *Dismissal letter of Mr. Nyamora.*
- (d) *Closure of offices*
- (e) *Appointment letters of 3 deputy clerks*
- (f) *JSC petition by Staff and the faction*
- (g) *Picketing letters*
- (h) *Nyamora petition*

16. County Assembly Signatory rights -The Court vide Petition no. E004 OF 2025 granted Acting Clerk Mr. Silvanus Nyamora partial access to the Nyamira County Assembly Bank Accounts to enable payment of salaries to MCAs, staff members and essential services to avert imminent collapse and closure of operations.

Annex 13. Petition E004 of 2025 CASB vs CBK, State Department of Public Service and State Law Office

CONCLUSION

The chronology of events clearly demonstrates a failure to properly interpret court rulings by those at the forefront of claiming the County is divided. Had the court orders of **October 11, 2024**, been followed or obeyed, the Nyamira County Assembly would not be in its current situation. The ongoing

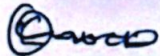
disregard for court orders and the resulting impunity have led to this crisis. It is evident that Hon. Enock Okeru remains the Speaker until all pending court cases are resolved.

SUMMARY OF THE ISSUES

ISSUE	LEGAL/PROCEDURAL ACTION	RESSPONSE
<p>1. Suspension from office of Hon. Enock Okero as Speaker of the County Assembly.</p>	<p>On the 27th September, 2022, Hon.Okero was elected as the speaker of Nyamira county.</p> <p>On 8th October 2024, the Speaker of the County Assembly of Nyamira was suspended violently by use of force and unprocedural</p> <p>On the 9th October, the Speaker was served with a suspension letter</p> <p>On the 11th October, 2024, The Speaker successfully challenged the suspension at the Nyamira High Court via application E008/2024 and was reinstated by conservatory orders</p> <p>On 15th October, 2025 an attempt by the Speaker to access the office was met with too much resistance from mobilized and armed strangers</p>	<ul style="list-style-type: none"> • The Hon. Enock Okero contested his removal vide High Court Nyamira E008 OF 2024 and Nyamira High Court E011 of 2024 and was reinstated. • Court pronounced itself that it has no jurisdiction to deal with the cases. • On 16th December 2024 consolidated Cases transferred to Kisumu Employment Court for hearing and determination.
<p>2. Amendment of Standing Orders</p>	<p>On the 17th October, 2024 a notice of motion to amend County Assembly Standing Orders from 75% to 2/3 of the total of number of Honorable Members was moved.</p> <p>On the same day a notice to remove the speaker was moved.</p>	<ul style="list-style-type: none"> • The County Assembly orders were quickly amended to reduce the threshold.
<p>3. The Illegal Impeachment of Hon. Enock Okero</p>	<p>The Assembly purported to impeach the Speaker on the 24th October 2024 despite the stay orders.</p>	<ul style="list-style-type: none"> • The Hon. Enock Okero Moved to court in High Court Kisii E001 of 2024 to challenge the irregular process.

<p>4. Defiance of Court Orders</p>	<p>The Hon. Okero filed contempt proceeding on court orders over his Suspension.</p> <p>The Speaker cited the Assembly for contempt, and the Nyamira High Court found that the application was merited and the respondents including the Ag. clerk Mr. Onyari found guilty in its ruling on 4th December, 2024.</p>	<ul style="list-style-type: none"> The court found the MCAs and the clerk in contempt and pardoned the contemnors with stern warning of the defiance of court orders vide Court Ruling Nyamira High Court E008 of 2024 dated 16th December 2024 marking the matter settled.
<p>5. Gazette Notice 14230 of 26th October 2024 on appointment of Mr. Silvanus Nyamora as Ag Clerk following of suspension of Duke Onyari.</p>	<p>On October 25th, 2024, the County Assembly Service Board appointed Mr. Silvanus Ndemo Nyamora as the new Ag. Clerk</p>	<ul style="list-style-type: none"> The Gazette Notice No. 14230 of 2024 appointing Mr. Silvanus Nyamora is stayed by the Court Orders in the High of Nyamira JR PTN. E007 OF 2024
<p>6. Purported election of new Speaker and Appointment of Ag. Clerk as Clerk of the County Assembly.</p>	<p>MCAs with the assistance of the suspended Ag. Clerk Mr. Duke Onyari went on to conduct an election to fill the otherwise non vacant seat of the Speaker with one Honorable Thaddeus Nyabaro being purportedly elected and the Acting clerk elevated irregularly to the position of clerk</p>	<ul style="list-style-type: none"> The same was challenged in court vide Petition <u>E001</u> of 2025 at Nyamira High Court. Orders were issued <u>restraining</u> Honourable Thaddeus Nyabaro from acting or purporting to act as Speaker. The irregular appointment of clerk has been challenged by member of the public and the ruling coming up on 6th May 2025. <p>ELRCPET/E001/2025</p>
<p>7. The county Assembly Administrative Rights.</p>	<p>The case HCC/E050/2025 allowed Mr. Silvanus Nyamora partial access to all county Assembly Accounts to enable payment of</p>	<ul style="list-style-type: none"> The judge at Milimani vacated his own orders to allow the County Assembly operate. HCC/E050/2025

	avert closure and collapse.	
8. Damages already caused by the Suspended Ag. Clerk Mr Onyari and his illegal board	<p>Stoppage of salaries of members of staff who obey the law,</p> <p>Payment of an illegal Speaker while removing the legitimate Speaker from the payroll.</p>	<ul style="list-style-type: none"> • Payslip • Stoppage of salaries on members of staff • irregular promotions • Dismissal letter of Mr. Nyamora.



HON. ENOCK O. OKERO

THE CHAIRPERSON/SPEAKER

NYAMIRA COUNTY ASSEMBLY SERVICE BOARD



under 65, the positions of two (2) members, a man
County Assembly Service Board of Kiambu are

ified, in accordance with section 2 of the First
nty Assembly Services Act, any person qualified
ation to the Secretary of the County Assembly
Kiambu at the Office of the Clerk of the County
Assembly Buildings, Kiambu on or before Friday,
22 at 5.00 p.m.

is can be accessed in the County Assembly's
kiambuassembly.go.ke

September, 2022.

JOHN MWIVITHI MUTIE,
*Secretary,
Kiambu County Assembly Service Board.*

11877

CONSTITUTION OF KENYA
COUNTY GOVERNMENTS ACT, 2012
COUNTY ASSEMBLY SERVICES ACT, 2017
OFFICE OF THE COUNTY ASSEMBLY SERVICE BOARD

the information of the general public that section
County Governments Act, 2012, as read together with
County Assembly Services Act, 2017, provides
external members of the County Assembly Service
County Assembly, who shall be appointed in
First Schedule of the County Assembly Services

above quoted legal provisions and Chapter Six of
Interested persons who qualify to serve as members
County Assembly Service Board, are therefore invited to submit
nomination to the County Assembly Service

applications, clearance from relevant bodies, together
with *curriculum vitae* of the candidate and relevant supporting
documents submitted to the Office of the Clerk at County
Assembly Buildings, Embu, not later than 5.00 p.m. on the 14th

September, 2022.

JIM G. KAUMA,
Clerk, County Assembly of Embu.

11878

CONSTITUTION OF KENYA
COUNTY GOVERNMENTS ACT
COUNTY ASSEMBLY OF NYANDARUA STANDING ORDERS

VACANCY IN THE OFFICE OF MEMBERS OF KWALE COUNTY
ASSEMBLY SERVICE BOARD

IT IS notified for the information of the general public that
pursuant to section 12 (1) of the County Governments Act, 2012,
sections 8, 9 and 47 read together with First Schedule of the County
Assembly Services Act, 2017, the position of one man and one woman
of the Kwale County Assembly representing the public to be members
of the County Assembly Services Board is declared vacant.

Candidates should meet the qualifications as set out under Section
9 of the County Assembly Services Act as follows—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least ten years experience in public affairs; and
- (d) meets the requirements of leadership and integrity in Chapter
Six of the Constitution.

Interested persons who qualify to be members of the Board and
who are not members of county assembly are therefore invited to
apply for the position by sending their resume, academic papers and
supporting documents to the office of the Clerk located at the Kwale
New Complex Assembly Building, opposite Kwale Waters, on or
before Friday, 14th October, 2022 at 4.00 p.m.

Dated the 28th September, 2022.

FATUMA H. MWALUPA,
Ag. Clerk, County Assembly of Kwale.

GAZETTE NOTICE NO. 11880

THE CONSTITUTION OF KENYA
THE COUNTY GOVERNMENTS ACT
(No. 17 of 2012)

COUNTY ASSEMBLY OF NYAMIRA STANDING ORDERS
ELECTION OF SPEAKER AND DEPUTY SPEAKERS

IN EXERCISE of the powers conferred by Article 178 of the
Constitution of Kenya, section 7 of the County Governments Act and
Standing Order 4 (1) of the County Assembly of Nyamira Standing
Orders, it is notified for the information of the general public that the
County Assembly of Nyamira on 19th September, 2022, elected—

Enock Ogori Oloro — Speaker

Thaddeus Momanyi Nyabaru — Deputy Speaker

to the office of Speaker and Deputy Speaker of the County Assembly
of Nyamira, respectively.

Dated the 27th September, 2022.

D. ONYARI,
Ag. Clerk, County Assembly of Nyamira.



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF NYAMIRA
THE COUNTY ASSEMBLY
OFFICE OF THE SPEAKER



P.O. Box 400 40000 Nyamira

Website: www.nyamiraassembly.go.ke

Email: speaker@nyamiraassembly.go.ke

8th October 2024

HON. ENOCK OKERO,
SPEAKER,
COUNTY ASSEMBLY OF NYAMIRA.

RE. **SUSPENSION FROM THE OFFICE** OF SPEAKER/CHAIRPERSON OF THE COUNTY ASSEMBLY SERVICE BOARD.

The above matter refers.

This is to bring to your notice that the County Assembly in the morning sitting of Tuesday, 8th October 2024 adopted a Motion suspending you indefinitely from the Office of Speaker/Chairperson of the County Assembly Service Board (CASB) with immediate effect to pave way for investigations on your conduct as the Chairman of the Board in the execution of your mandate.

You are therefore, not allowed to transact any business in the said Office(s) until investigations are complete and the matter determined.

The Motion was moved pursuant to Standing Order 51 of Nyamira County Standing Orders on Motions which may be moved without Notice particularly 51 (e) the Motion for the suspension of a Member, Article 177 (1) (a), (b), (c) and (d) of the Constitution of Kenya, 2010 which provides that, the speaker is a member of the county assembly.

Other relevant provisions of the law cited in the Motion include; Section 11 (e) and Section 36 (1) of the County Assembly Services Act, 2017.

In addition, you and the CASB failed to comply with the Salaries and Remuneration Commission (SRC) Circulars on staff establishment, facilitation of Ward Offices and Special Elect Members of the County Assembly among other charges.

Attached herewith, is a copy of the Motion for details.

HON. THADDEUS MOMANYI NYABARO,
Ag. SPEAKER,
COUNTY ASSEMBLY OF NYAMIRA.

MEDICAL EXAMINATION REPORT

PART I—(To be completed by Police Officer requesting examination)

From O.C.S MAMIRA POLICE STATION Ref. OB. NO. 32 Date 08/10/2024

To the MAMIRA COUNTY REFERRAL Hospital/Dispensary.

I have to request the favour of your examination of:—

Name ENOCK OKERO Age 37 YRS (if known) Address P.O BOX 2266 WISII 0724334406 Date and time of alleged offence 08/10/2024 AT 1000HRS

Sent to you/hospital on the 08/10/2024 under escort of HIMSELF

and of you furnishing me with a report of the nature and extent of bodily injury sustained by him/her.

Date and time reported to police 08/10/2024 AT 1249HRS

Brief details of alleged offence HE ALLEGES TO HAVE BEEN ASSAULTED BY PERSON WELL KNOWN TO HIM AND ASCERTAIN THE DEGREE OF INJURY INFLICTED IN HIS BODY



PART II—MEDICAL DETAILS—(To be complete by Medical Officer or Practitioner carrying out examination)

(Please type four copies from the original manuscript)

SECTION "A"—THIS SECTION MUST BE COMPLETED IN ALL EXAMINATIONS

Medical Officer's Ref. No... M.O.H.Y.P.D.N.S.J.D.S.E.R.

1. State of clothing including presence of tears, stains (wet or dry) blood, etc. NO TEAR OR STAIN ON THE CLOTHING

2. General medical history (including details relevant to offence) Hx of having assaulted by people well known to him at around 10:30 am by use of blows, push & pull & sustained injury to the neck and the chest. NOW Complains of neck pain & chest pain

3. General physical examination (including general appearance, use of drugs or alcohol and demeanour) - Patient is fit, p.u.j.c. 10 - Bruises, or etc. none

SECTION "B" - TO BE COMPLETED IN ALL CASES OF ASSAULT, INCLUDING SEXUAL ASSAULTS, AFTER THE COMPLETION OF SECTION "A"

SECTION "C" - TO BE COMPLETED

1. Details of site, situation, shape and depth of injuries sustained:-

(a) Head and neck

- Bruises on the nose
- Haemclini on the chest (antennae)

(b) Thorax and abdomen

Haemclini on the chest (antennae)

(c) Upper limbs

Normal

(d) Lower limbs

Normal

Approximate age of injuries (hours, days, weeks)

3 hours from time of assault

Probable type of weapon(s) causing injury

Blunt object

Treatment, if any, received prior to examination

First aid, Discharge Tablets, Wound stop

What were the immediate clinical results of the injury sustained and the assessed degree, i.e. "harm", "maim", or grievous harm?*

Harm

DEFINITIONS-

"harm" means any bodily hurt, disease or disorder whether permanent or temporary.
"maim" means the destruction or permanent disabling of any external or internal organ, member or sense.
"grievous Harm" means any harm which amounts to maim, or endangers life or seriously or permanently injures health which is likely so to injure health, or which extends to permanent disfigurement, or any permanent or serious injury to any external or internal organ.

1. Nature of offence

2. FEMALE COMPLAINANT

(a) Describe in detail the parts of the body injured, e.g. majora, labia minora

(b) Note presence of blood

3. MALE COMPLAINANT

(a) Describe in detail the parts of the body injured

(b) Describe in detail the parts of the body injured

(c) Note presence of blood

Signature of Medical Officer/Practitioner



SECTION "C" — TO BE COMPLETED IN ALLEGED SEXUAL OFFENCES AFTER THE COMPLETION OF SECTIONS

"A" AND "B"

1. Nature of offence NA Estimated age of person examined

2. FEMALE COMPLAINANT

(a) Describe in detail the physical state of and any injuries to genitalia with special reference to labia majora, labia minora, vagina, cervix and conclusion

NA

(b) Note presence of discharge, blood or venereal infections, from genital or on body externally

NA

3. MALE COMPLAINANT

(a) Describe in detail the physical state of and any injuries to genitalia

NA

(b) Describe in detail injuries to anus

NA

(c) Note presence of discharge around anus, or thighs, etc; whether recent or of long standing

NA



NOHQ70361V7N3

ENOCK OGORI OKERO (Male)
ID 25175175
Born 12:00 am (37 years, 9 months)

CONFIDENTIAL

Medical Summary
Generated on 08 Oct 2024 16:35

VITALS

Matred Kathure Muthuri
08 Oct 2024 13:39

Triage Code
routine

Blood Pressure

Systolic
124

Diastolic
78

Pulse Rate
98



COMPLAINTS

Hesbon Wanja Wakoli
08 Oct 2024 14:53

Illness History

patient reports having been assaulted by people well known to him at around 10 .30 am and sustained injury to the neck and the chest. He was assaulted by use of blows , push and pull .No other complains.

Presenting Complaint

Neck pains chest pains

Section

Requested by

EXAMINATIONS

Hesbon Wanja Wakoli
08 Oct 2024 14:56

Section

Requested by

Respiratory System

bruises on the neck , hematoma on the chest anteriorly

Hesbon Wanja Wakoli
08 Oct 2024 14:56

Section

Requested by

General Examination

fgc, not pale not jaundiced , no oedema

WORKING DIAGNOSES

Hesbon Wanja Wakoli
08 Oct 2024 14:58

Clinical Impressions

PF2Z — Assault, unspecified

Section

Requested by

MEDICAL REPORTS

Wesbon Wanja Wakoli
08 Oct 2024 16:27

Confirmed

Report Type
Medicalreport

Report Content
print

Section
Requested by



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

COURT NAME: NYAMIRA LAW COURT

CASE NUMBER: HCCHRPET/E008/2024

CITATION: ENOCK OKERO OGORI VS NYAMIRA COUNTY ASSEMBLY AND CLERK NYAMIRA COUNTY ASSEMBLY AND 7 OTHERS

ORDERS(COURT DOCUMENT)

THIS MATTER coming up on 11th October 2024 for directions on the Notice of Motion dated 10th October 2024 before Honourable Justice W. A. Okwany. UPON Perusing the Certificate of Urgency, the Application and the supporting affidavit;

IT IS HEREBY ORDERED:

1. THAT the application be served on the Respondents and the Interested Party and be mentioned on 14th October 2024 for directions.
2. THAT prayers No. 2 and 3 of the said Application are hereby granted in order to preserve the substratum of the Application.

GIVEN under my hand and seal of the Honourable court this 11th October 2024.

Penal Notice: Take notice that any disobedience or non-observance of the order of the court served herewith will result in penal consequences to you and any other person(s) disobeying and not observing the same

SIGNED BY: HON. LADY JUSTICE WILFRIDA A. OKWANY



THE JUDICIARY OF KENYA.
NYAMIRA HIGH COURT
HIGH COURT CIVIL
DATE: 2024-10-11 16:09:47+03



NOTICE OF MOTION

(Pursuant to Sections 1a, 3, 3a, And 63 of The Civil Procedure Act (Cap. 21 – Laws Of Kenya), Order 40 Rule 2(2) And Order 51 Rule 1 Of The Civil Procedure Rules, 2010, Sections 4 And 12 of The Fair Administrative Action Act [Cap. 71 – Laws Of Kenya], Rules 19 And 23 of The Constitution Of Kenya (Protection Of Rights And Fundamental Freedoms) Practice And Procedure Rules, Articles 23 And 159(2) of The Constitution of Kenya, 2010)

TAKE NOTICE that this Honorable Court shall be moved on the day of2024 at **9.00 O’CLOCK** in the forenoon or so soon thereafter as the matter may be called for hearing of an application by counsel for the applicant for **ORDERS THAT:-**

1. **THAT**, *the instant application be certified as urgent and the same be heard ex parte in the first instance and service be dispensed with.*
2. **THAT**, *pending hearing and determination of the application herein, this Honourable Court be pleased to issue interim conservatory orders staying the effect and implementation of the purported resolution of the 1st Respondent passed on 8th October 2024 purporting to suspend the Petitioner/Applicant from discharging his functions and duties as speaker of the 1st Respondent;*
3. **THAT**, *Pending the hearing and determination of the application herein, the Honourable Court be pleased to, issue interim temporary injunctive orders restraining the Respondents and the interested party or any other person acting on their behalf or otherwise, from stopping, barring or otherwise interfering with the Petitioner/Applicant discharge of his functions and duties as speaker of the 1st Respondent;*
4. **THAT**, *Pending the hearing and determination of the instant Application, the Honourable Court be pleased to issue interim conservatory orders staying any steps, resolutions and decisions of the Respondents and the interested party, from removing or replacing the Petitioner/Applicant as County Assembly speaker of the 1st Respondent;*
5. **THAT**, *pending hearing and determination of the Petition herein, this Honourable Court be pleased to issue interim conservatory orders staying the effect and implementation of the purported resolution of the 1st Respondent passed on 8th October 2024 purporting to*

suspend the Petitioner/Applicant from discharging his functions and duties as speaker of the 1st Respondent;

6. ***THAT***, *Pending the hearing and determination of the Petition herein, the Honourable Court be pleased to, issue interim temporary injunctive orders restraining the Respondents and the interested party or any other person acting on their behalf or otherwise, from stopping, barring or otherwise interfering with the Petitioner/Applicant discharge of his functions and duties as speaker of the 1st Respondent;*
7. ***THAT***, *Pending the hearing and determination of the instant Petition, the Honourable Court be pleased to issue interim conservatory orders staying any steps, resolutions and decisions of the Respondents and the interested party, from removing or replacing the Petitioner/Applicant as County Assembly speaker of the 1st Respondent;*
8. ***THAT***, *the Honourable Court be pleased issue such other Orders as are just and expedient to preserve the substratum of and secure the ultimate just determination of the instant application and petition;*
9. *Costs of this Application be borne by the Respondents;*

WHICH APPLICATION is based on the annexed affidavit of the Petitioner/Applicant) **ENOCK OKERO OGORI**, filed herewith and upon such other grounds as shall be adduced at the hearing hereof;

Hansard COP-1

THIRD ASSEMBLY

(083)



THIRD SESSION

(...160)

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF NYAMIRA
THIRD ASSEMBLY - THIRD SESSION

ORDER PAPER

THURSDAY 17TH OCTOBER, 2024 AT 9:30 AM

PRAYER:

1. Administration of oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers

To be laid;

HON. MICHELLE OMWOYO – FOR THE CHAIRPERSON PROCEDURE AND RULES COMMITTEE.

Report of the Procedure and Rules Committee on Proposed Amendments to Nyamira County Assembly Standing Orders.

6. Notice of Motion

- I. HON. MICHELE OMWOYO – FOR THE CHAIRPERSON PROCEDURE AND RULES COMMITTEE.

Notice of Motion to consider debate and adopt Report of the Procedure and Rules Committee on Proposed Amendments to Nyamira County Assembly Standing Orders.

- II. HON. VINCENT BENECHA– DEPUTY MAJORITY WHIP.

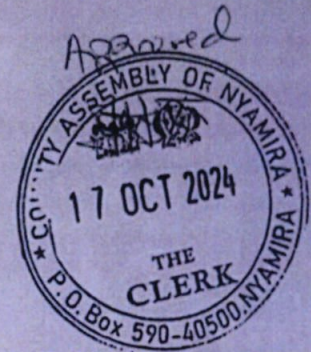
Notice of intention to move a motion for a resolution to remove the speaker Hon. Enock Ogori Okero.

7. Statements.

Hon. James Mating'a- Chairman Gender, Youth, Sports, Culture and Social Services.

Statement from the chairperson Finance and Economic Planning. I hereby seek Clarification on the requisition for county Assembly operations.

[Explain Content]



8. Motions and Bills,

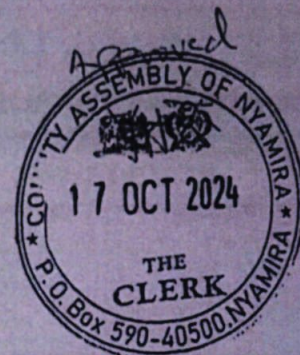
PROCEDURAL MOTION - HON. GEORGE ABUGA, LEADER OF MAJORITY.

Aware that the County Assembly Standing Orders are the guiding principles of the House, further aware that there is need to amend our Standing Orders to be consistent with the superior laws, I hereby move a procedural motion THAT THIS County Assembly debates and adopt Report of the Procedure and Rules Committee on Proposed Amendments to Nyamira County Assembly Standing Orders.

[Explain the content]

I beg to move.

I call upon Hon..... to second



HON. MICHELE OMWOYO – FOR THE CHAIRPERSON PROCEDURE AND RULES COMMITTEE.

Motion to consider debate and adopt Report of the Procedure and Rules Committee on Proposed Amendments to Nyamira County Assembly Standing Orders.

[Explain the content]

I beg to move.

I call upon Hon..... to second

ADJOURNMENT.

3.0 PROPOSED AMENDMENTS

Mr. Speaker, Sir

The Committee recommends that the following specific Orders of the Nyamira County Assembly Standing Orders be amended as follows:

First Amendment	Standing Order No.60: Procedure for removal of the Speaker
As Printed	<p>(1) The Speaker may be removed from office by the assembly through a resolution supported by not less than seventy five percent of all the members of the county assembly.</p> <p>(2) A notice of the intention to move a motion for a resolution to remove the Speaker shall be given in writing to the Clerk of the County Assembly, signed by at least one third of all the members of the county assembly stating the grounds for removal.</p> <p>(3) A motion for a resolution to remove the speaker shall be presided over by a member of the county assembly elected to act as speaker as contemplated under Article 178 (2) (b) of the Constitution.</p> <p>(4) Before the debate and voting on a motion under paragraph (3), the Speaker shall be accorded an opportunity to respond to the allegations on the Floor of the Assembly.</p>
Amendment	<p>Paragraph (1) is inconsistent with the provisions of Section 11(1)(c) of the County Governments Act, 2012 and therefore invalid.</p> <p>Delete Paragraphs 1 to 4.</p>
As Amended	<p>(1) The Speaker may be removed from office by the assembly through a resolution supported by not less than two-thirds of all the members of the county assembly.</p> <p>(2) The speaker may be removed subject to paragraph (1) above on any of the following grounds –</p>

	<p>(a) gross violation of the Constitution or any other law;</p> <p>(b) incompetence;</p> <p>(c) gross misconduct;</p> <p>(d) if convicted of an offence punishable by imprisonment for at least six months; or</p> <p>(e) inability to perform the functions of the office of speaker arising from mental or physical incapacity.</p> <p>(3) A notice of the intention to move a motion for a resolution to remove the speaker shall—</p> <p>(1) be given in writing to the clerk of the county assembly;</p> <p>(2) be signed by at least one third of all the members of the county assembly; and</p> <p>(3) state the grounds for removal as specified in paragraph (2).</p> <p>(4) A motion for the removal of the speaker shall specify —</p> <p>(a) the grounds for removal as specified in subsection (2) in which the speaker is in breach; and</p> <p>(b) the facts constituting those grounds.</p> <p>(5) Upon notice of the motion being given under paragraph (3) the clerk of the county assembly shall within five days—</p> <p>(a) notify the speaker; and</p> <p>(b) invite the speaker to respond, within seven days, in writing setting out the grounds of opposition;</p> <p>(6) The speaker shall not perform any of the functions of the office of the speaker pending the resolution of the county assembly.</p> <p>(7) The speaker shall have the right to appear and be represented before the county assembly during its</p>
--	--

	<p>investigations.</p> <p>(8) The county assembly shall consider the motion within fourteen days and resolve whether to approve the motion.</p>
Second Amendment	Standing Order No.239 Failure to attend sittings Paragraph (1)
As Printed	If, during any Session, a Member is absent from eight sittings of the County Assembly without permission, in writing from the Speaker, the Speaker shall report the matter to the County Assembly and the matter shall stand referred to the Committee of Privileges for hearing and determination.
Amendment	Insert the word " consecutive " between the words "eight" and "sittings".
As Amended	If, during any Session, a Member is absent from eight consecutive sittings of the County Assembly without permission, in writing from the Speaker, the Speaker shall report the matter to the County Assembly and the matter shall stand referred to the Committee of Privileges for hearing and determination.



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

COURT NAME: NYAMIRA LAW COURT

CASE NUMBER: HCCHRPET/E008/2024

CITATION: **ENOCK OKERO OGORI VS NYAMIRA COUNTY ASSEMBLY AND CLERK NYAMIRA COUNTY ASSEMBLY AND 7 OTHERS**

RULING

Background

1. The Petitioner filed a Petition dated 10th October 2024 seeking, *inter alia*, the following orders:
 1. **A DECLARATION** that the Respondents in purporting to remove the petitioners from office in the manner pleaded herein acted in contravention of **Articles: 1(1); 3; 10; 22; 23; 27; 28; 41(1); 47; 48; 50; 124; 159; 165; 178(3) and 258 of the Constitution of Kenya, 2010; Article 14 of the International Covenant on Civil and Political Rights and Sections: 3; 4; 6; 7 and 11 of the Fair Administrative Action Act [Cap. 7L - Laws of Kenya]; Sections: 8; 9 and 11 of the County Governments Act [Cap. 265 - Laws of Kenya]; Standing Orders No. 33; 60 and 65 of the Nyamira County Assembly Standing Orders and in contravention of fundamental rules of natural justice and fairness;**
 2. **A DECLARATION** that the Respondents acts purporting to remove the Petitioner from office in the manner pleaded herein violated the Petitioners' rights to due process, fair hearing and fair administrative action;
 3. **A DECLARATION** that the resolution by the 1st Respondent made on **8th October 2024** purporting to **indefinitely suspend** and, *ipso facto*, **constructively remove** the Petitioner from office as County Assembly Speaker is **unconstitutional, unlawful, null and void** and thus of no consequence and the same be and is hereby quashed.
 4. **ORDERS** of permanent injunction restraining the Respondents from attempting to remove the Petitioner from office as County Assembly Speaker in a manner and procedure other than the one articulated under **Article 178 of the Constitution of Kenya, 2010 read in conjunction with section 11 of the County Governments Act [Cap. 265 - Laws of Kenya] and Standing Orders No. 33; 45; 60 and 65 of the Nyamira County Assembly Standing Orders;**
 5. **AN ORDER** for compensation of the Petitioner by way of general damages for violation of the Petitioner's rights.



2. Concurrently with the Petition, the Petitioner also filed an Application, under Certificate of Urgency, seeking the following orders: -
3. **Spent.**
4. ***THAT, pending hearing and determination of the application herein, this Honourable Court be pleased to issue interim conservatory orders staying the effect and implementation of the purported resolution of the 1st Respondent passed on 8th October 2024 purporting to suspend the Petitioner/Applicant from discharging his functions and duties as speaker of the 1st Respondent;***
5. ***THAT, Pending the hearing and determination of the application herein, the Honourable Court be pleased to, issue interim temporary injunctive orders restraining the Respondents and the interested party or any other person acting on their behalf or otherwise, from stopping, barring or otherwise interfering with the Petitioner/Applicant discharge of his functions and duties as speaker of the 1st Respondent;***
6. ***THAT, Pending the hearing and determination of the instant Application, the Honourable Court be pleased to issue interim conservatory orders staying any steps, resolutions and decisions of the Respondents and the interested party, from removing or replacing the Petitioner/Applicant as County Assembly speaker of the 1st Respondent;***
7. ***THAT, pending hearing and determination of the Petition herein, this Honourable Court be pleased to issue interim conservatory orders staying the effect and implementation of the purported resolution of the 1st Respondent passed on 8th October 2024 purporting to suspend the Petitioner/Applicant from discharging his functions and duties as speaker of the 1st Respondent;***
8. ***THAT, Pending the hearing and determination of the Petition herein, the Honourable Court be pleased to, issue interim temporary injunctive orders restraining the Respondents and the interested party or any other person acting on their behalf or otherwise, from stopping, barring or otherwise interfering with the Petitioner/Applicant discharge of his functions and duties as speaker of the 1st Respondent;***
9. ***THAT, Pending the hearing and determination of the instant Petition, the Honourable Court be pleased to issue interim conservatory orders staying any steps, resolutions and decisions of the Respondents and the interested party, from removing or replacing the Petitioner/Applicant as County Assembly speaker of the 1st Respondent;***
10. ***THAT, the Honourable Court be pleased issue such other Orders as are just and expedient to preserve the substratum of and secure the ultimate just determination of the instant application and petition;***
11. ***Costs of this Application be borne by the Respondents.***
12. When the matter first came up for directions on 11th October 2024, under certificate of urgency, this court issued conservatory orders in terms of prayers No. 2 and 3 of the Application in order to preserve the substratum of the Application and directed the Applicant to serve the pleadings on the Respondents and the Interested Party. The matter was then listed for mention on 14th October 2024 for further directions.
13. At the mention on 14th October 2024, counsel for the Respondents informed the Court that he had filed a Notice of Preliminary Objection (PO) challenging this Court's jurisdiction to entertain the Petition. Counsel for the Petitioner however indicated that he was yet to be served with the PO. Parties were then directed to file and exchange submissions on the PO after which the matter was listed for mention on 23rd October to confirm compliance with the said directions.
14. When the matter came up for mention on 23rd October 2024, Counsel for the Petitioner informed this Court that the Conservatory Orders issued on 11th October 2024 had been

disobeyed and that he had filed an Application dated 22nd October 2024 (Contempt Application) seeking, *inter alia*, an Order of Committal of the Respondents to Civil Jail for Contempt of Court. He urged this court to determine the Contempt Application first while counsel for the Respondents was of the view that the PO should be determined first as it touches on the court's jurisdiction.

15. In a ruling delivered on the same date (23rd October 2024) this court held that the contempt application would be determined first upon noting, among other factors, that a party found guilty of contempt would ordinarily not be entitled to audience before the same court. The court then directed parties to file and exchange pleadings on the contempt application after which the matter was listed for further mention for directions on 28th October 2024.
16. When the matter came up for mention on 28th October 2024, counsel informed this court that they had all complied with the directions on the filing of submissions on the PO and contempt application. Counsel for the Petitioner however informed the court that they were unable to proceed with the case as the Respondents had gone ahead and impeached the Petitioner despite the existence of the conservatory orders. They urged the court to grant the prayers sought in the Contempt Application in light of the continued disobedience of the conservatory orders. Mr. Mokua, learned counsel for the Respondent, on his part, submitted that the conservatory orders had not been disobeyed and maintained that the said orders only stayed the Petitioner's suspension but did not stop his impeachment.
17. In line with this court's orders of 23rd October 2023, I will deliver a ruling on the contempt application first and depending on the outcome thereof, deliver the ruling on the PO.

Contempt Application

1. Vide the Application dated 22nd October 2024, the Petitioner/Applicant seeks the following orders: -
2. ***THAT, the Honourable Court do issue a notice/summons upon the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Respondents to attend this Court in person and show cause why they should not be cited for contempt against orders issued on 11th October 2024.***
3. ***THAT, this Honourable Court finds the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Respondents herein in contempt of Court for disobeying the Court order made on 11th October 2024.***
4. ***THAT, the Honourable Court do order that 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Respondents herein be committed to civil jail for a period to be determined until the contempt is purged.***
5. ***THAT, Costs of this Application be borne by the Respondents.***
6. The Application is supported by the Petitioner's affidavit and is premised on main ground that this court issued conservatory orders on 11th October 2024 which orders were served upon all the Respondents but that in blatant disregard of the said orders the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Respondents proceeded to occupy the Assembly with goons in a bid to block him from accessing his chambers. The Applicant contends that having been barred from accessing his chambers, the Respondents proceeded to conduct the house business on 17th October 2024 and moved a motion for his removal from the office of the Speaker despite the existence of the conservatory orders.
7. The Petitioner filed a further affidavit dated 26th October 2024 wherein he avers that Respondents' Replying affidavit sworn on **25th October 2025** wherein he states that the averments contained in the said replying affidavit are misplaced as the deponent did not demonstrate that he had been authorized by the other Respondents to swear the replying affidavit on their behalf. He maintains that the court order of **11th October 2024** had been disobeyed by all the Respondents who proceeded to conduct impeachment proceedings against him following the contested resolution to suspend him from office.



8. The Applicant further states that the Respondents have gone ahead to advertise a vacancy in the office of the speaker in clear violation of the conservatory orders issued on 11th October 2024.
9. The Respondents opposed the application through the replying affidavit of the Acting Clerk of Nyamira County Assembly, **Mr. Duke Onyari**, who avers that he is authorized by all the Respondents to swear the affidavit in opposition to the application. He states that none of the Respondents have disobeyed the court order as alleged by the applicant and adds that the Contempt Application does not meet the threshold of proof expected in such an application.
10. The Acting Clerk states that the conservatory orders were not extended on 14th October 2024 when the matter came up for mention and confirms that the Respondents and other members of the County Assembly of Nyamira were at the County Assembly on 15th October 2024. He states that the photographs that the Applicant has relied on in his affidavit are inadmissible in evidence for lack of Certificate of Electronic Record. He contends that the conservatory orders issued on 11th October 2024 did not expressly bar the Respondents from removing the Applicant from office.
11. He blames the Applicant for the chaos that erupted at the County Assembly precincts on 15th October 2024 and attached video clips depicting the events of the said day, He states that the Applicant was duly served with the motion for his impeachment but did not attend the proceedings at the County Assembly on 17th October 2024. He contends that the suspension of the Applicant is different from his removal from office and that the court did not issue any order to stop the Members of the County Assembly from tabling and debating the removal motion. He adds that a copy of the County Assembly Hansard was not presented before this court to show the person who presided over the County Assembly sittings and that the motion was moved by one **Hon. Thomas Vincent Benecha** who is not a party to these proceedings.
12. The Application was canvassed by way of written submissions which I have considered. The parties raised several issues for determination, namely; the admissibility of the photographs attached to the Applicant's affidavit in support of the Application, the import and validity of the replying affidavit sworn without the written authority of the respondents, and most importantly, whether the Respondents are in contempt of the Court Orders issued on 11th October 2024.
13. The Respondents argued that the photographs attached to the Applicant's replying affidavit are not admissible for lack of Certificate of Electronic Records. The Applicant did not address the issue of the said certificate. The issue of certificate for electronic evidence is now a prerequisite in our legal system when a party seeks to rely on electronic evidence. In this case, I note that since it was not disputed that chaos erupted in the County Assembly on the date in question I find that failure to avail the said certificate is not fatal to the application.
14. Turning to the claim that the deponent of the replying affidavit did not demonstrate that he had the Respondents' authority to swear the said affidavit on their behalf, I find that while this is a valid concern considering the nature of the instant application, the said deponent was still qualified to swear the said affidavit by virtue of the position as the clerk of the Nyamira County Assembly.
15. On whether the Respondents disobeyed the court order, the Applicant submitted that the Respondents were required to comply with the orders issued on 11th October 2024 since the said orders had not been reviewed, vacated or set aside. The Applicant maintained that the Respondents openly disregarded the said orders without any lawful justification. Reference was made to the decision in *Siokwei Tarita Limited vs. The Commission of University Education & Another [2017] eKLR* and *Republic vs. County Government of Kitui Ex Parte Fairplan Systems Limited [2022] eKLR*, where it was held that Court orders are not made in vain and are meant to be complied with; that if for any reason a party has difficulty in complying with the said orders, they were expected to come back to court and explain the difficulties they faced in complying with the order and that once a Court order was made in a



suit, it remained valid unless set aside on review or on appeal.

16. The Respondents, on the other hand, reiterated the averments made in the replying affidavit and submitted that the Applicant has not made out a case for the granting of the orders sought in the Contempt Application. It was submitted that the Application does not meet the test for disobedience of a civil order and that unreasonable non-compliance, provided it is bona fide, does not constitute contempt.
17. It was the Respondents' case that there was no evidence to show that they were in contempt.
18. It was not disputed that this court issued conservatory orders on 11th October 2024 which orders were in the following terms: -

"2. THAT, pending hearing and determination of the application herein, this Honourable Court be pleased to issue interim conservatory orders staying the effect and implementation of the purported resolution of the 1st Respondent passed on 8th October 2024 purporting to suspend the Petitioner/Applicant from discharging his functions and duties as speaker of the 1st Respondent;

3. THAT, Pending the hearing and determination of the application herein, the Honourable Court be pleased to, issue interim temporary injunctive orders restraining the Respondents and the interested party or any other person acting on their behalf or otherwise, from stopping, barring or otherwise interfering with the Petitioner/Applicant discharge of his functions and duties as speaker of the 1st Respondent."

1. It was also not disputed that the said order was served on the Respondents who instructed the law firm of **Mokua Ndubi & Co Advocates** to act for them in the matter.
2. **Article 23 of the Constitution** grants this Court the authority to issue conservatory in any proceedings brought under Article 22 thereof where a party institutes a suit claiming that a right or fundamental freedom in the Bill of Rights has been denied violated or infringed or is threatened. The said Article stipulates as follows: -

23. Authority of courts to uphold and enforce the Bill of Rights

(3) In any proceedings brought under Article 22, a court may grant appropriate relief, including—

- (a) a declaration of rights;***
- (b) an injunction;***
- (c) a conservatory order;***
- (d)***

1. The principles governing the granting of conservatory orders and their import/purpose thereof were stated by the Supreme Court in the case of ***Gatirau Peter Munya vs. Dickson Mwenda Kithinji & 2 others [2014] eKLR*** where it was held that a conservatory order aims at preserving the substratum of a suit and that the ultimate beneficiary of a conservatory order is the court granting it and not the parties in whose favour the same is issued. Similarly, in ***Judicial Service Commission vs. Speaker of the National Assembly & Another [2013] eKLR*** it was held: -

"Conservatory orders in my view are not ordinary civil law remedies but are remedies provided for under the Constitution, the Supreme law of the land. They are not remedies between one individual as against another but are meant to keep the subject matter of the

dispute in situ. Therefore, such remedies are remedies in rem as opposed to remedies in personam. In other words, they are remedies in respect of a particular state of affairs as opposed to injunctive orders which may only attach to a particular person."

1. In *Invesco Assurance Co. Ltd vs. MW (Minor suing thro' next friend and mother (HW) [2016] eKLR* a conservatory order was defined as follows: -

"5. A conservatory order is a judicial remedy granted by the court by way of an undertaking that no action of any kind is taken to preserve the subject until the motion of the suit is heard. It is an order of status quo for the preservation of the subject matter."

1. In *Samuel M. N. Mweru & Others vs. National Land Commission & 2 Others [2020] eKLR* Mativo J. (as he then was) highlighted the parameters for establishing if a party is guilty of contempt of court as follows: -

"40. It is an established principle of law that in order to succeed in civil contempt proceedings, the applicant has to prove: -

(i) the terms of the order,

(ii) Knowledge of these terms by the Respondent,

(iii) Failure by the Respondent to comply with the terms of the order.

Upon proof of these requirements the presence of wilfulness and bad faith on the part of the Respondent would normally be inferred, but the Respondent could rebut this inference by contrary proof on a balance of probabilities. Perhaps the most comprehensive of the elements of civil contempt was stated by the learned authors of the book *Contempt in Modern New Zealand* who succinctly stated:-

"There are essentially four elements that must be proved to make the case for civil contempt. The applicant must prove to the required standard (in civil contempt cases which is higher than civil cases) that:-

(a) The terms of the order (or injunction or undertaking) were clear and unambiguous and were binding on the defendant;

(b) The defendant had knowledge of or proper notice of the terms of the order;

(c) The defendant has acted in breach of the terms of the order; and

(d) The defendant's conduct was deliberate..."

1. In the present case, a perusal of the pleadings reveals that the Applicant instituted the instant petition citing the violation of his constitutional rights to fair administrative action, access to justice and fair hearing under Articles 47, 48 and 50 of the Constitution respectively. As can be noted from the prayers sought in the Petition, the particulars of which I have already highlighted hereinabove in this ruling, the Petitioner was apprehensive that the Respondents had embarked on a journey to remove him from his office, as the Nyamira County Assembly, in violation of his rights under the Constitution. The Applicant stated that a resolution had already been passed, on 8th October 2024, to indefinitely suspend him from office in an unconstitutional manner.
2. It is against the above backdrop that this court granted the conservatory orders on 11th



October 2024 pending the hearing and determination of the application, in order to preserve the substratum of the matter. Needless to say, the conservatory orders were meant to halt whatever actions the Respondents intended to take against the Applicant and to allow him to continue discharging his functions as the Speaker of the County Assembly pending the outcome of the Application.

3. I find that the orders issued on 11th October 2024 were clear, straightforward and unambiguous and that the Respondents, who were the intended recipients of the said Orders, were fully aware of their existence as their advocate appeared in court on 14th October 2024 when they did not challenge the said orders or ask the court to vacate them but merely concentrated on persuading the court to determine their Preliminary Objection.
4. It has also come out clearly, from the parties' pleadings, that the Respondents eventually conducted proceedings that culminated in the removal of the Applicant from the office of the County Assembly Speaker and that a vacancy in the said office was advertised by the 2nd Respondent.
5. The Respondents admitted that they participated in proceedings that resulted in the Petitioner/Applicants' impeachment despite being aware of the existing Court Orders but justified their actions by arguing that they were merely discharging their mandate when the motion impeachment motion was presented by a different person. The Respondents justified their decision to remove the Applicant from office by arguing that the impugned conservatory orders were only in respect to suspension of the Applicant from office as the court did not issue any orders stopping the tabling and debating of the motion for his removal.
6. My finding is that the Respondents' argument and explanation for their actions portrays them as parties who were hellbent on removing the Applicant from office and that they therefore deliberately chose to disobey/ignore/disregard clear court orders by adopting a selective interpretation of the said orders to suit their own actions. A simple reading of the said orders shows that the intention of the court was to stay the implementation a resolution to suspend the Applicant from discharging his functions and duties as speaker of the 1st Respondent; and to restrain the Respondents and the interested party from stopping, barring or otherwise interfering with the Petitioner/Applicant discharge of his functions and duties as speaker of the 1st Respondent.
7. I find that the act of removing the Petitioner/Applicant from office as Speaker of the County Assembly whether through suspension or impeachment, with the full knowledge of the existence of the Conservatory Orders, amounted to interference with the discharge of his duties as the Speaker. I therefore find that the Respondents are guilty of blatant disobedience of the said Orders, a conduct which this court cannot countenance.
8. Contempt of court orders not only turns the court processes and orders into a mockery but is also an assault on the court's authority. It is trite that this authority is derived from the Constitution and Statute and thus binding upon every citizen, without exception, based on the assurance that court decisions will and must be enforced. In other words, contempt of court goes to the root of the integrity of the justice system and, if left unchecked, may result in an erosion of the entire administration of justice thus leading to anarchy. In **Nthabiseng Pheko vs. Ekurhuleni Metropolitan Municipality & Another CCT 19/11(75/2015)**, Nkabinde, J. observed that:-

"The rule of law, a foundational value of the constitution, requires that the dignity and authority of the courts be upheld. This is crucial, as the capacity of courts to carry out their functions depends upon it. As the constitution commands, orders and decisions issued by a court bind all persons to whom and organs of state to which they apply, and no person or organ of state may interfere in any matter, with the functioning of the courts. It follows from this that disobedience towards courts orders or decisions risks rendering our courts impotent and judicial authority a mere mockery. The effectiveness of court orders or



decisions is substantially determined by the assurance that they will be enforced."

1. Similarly, in *Canadian Metal Co. Ltd vs. Canadian Broadcasting Corp (N0.2) [1975] 48 D.LR(30)*, it was held thus:-

"To allow court orders to be disobeyed would be to tread the road toward anarchy. If orders of the court can be treated with disrespect, the whole administration of justice is brought into scorn... if the remedies that the courts grant to correct... wrongs can be ignored, then there will be nothing left for each person but to take the law into his own hands. Loss of respect for the courts will quickly result into the destruction of our society."

1. Stemming from the principles outlined in the above cited cases, it cannot be gainsaid that obedience to court orders is a grave matter and that the sacrosanct authority of our courts is to be jealously guarded through the courts' ability to enforce their decisions in order to maintain their dignity and respect. This means that parties who disobey court orders must be called to account by requiring them show cause why they must not be punished for such contempt. I find guidance in **James Francis Oswald, *Oswald's Contempt of Court: Committal, Attachment, and Arrest upon Civil Process* (Butterworth & Company, 1910 at page 9** where it is stated that: -

"Punishing through contempt of court is the means by which courts sanction non-compliance with its orders, judgments and decrees, and a court of justice without power to vindicate its own dignity, to enforce obedience to its mandates, to protect its officers, or to shield those who are entrusted to its care, would be an anomaly which could not be permitted to exist in any civilized community. Without such protection, courts of justice would soon lose their hold upon the public respect, and the maintenance of law and order would be rendered impossible."

1. For the reasons that I have stated in this ruling, I find that the Contempt Application is merited and I therefore allow it by issuing summons to 2nd - 8th Respondents to show cause why they should not be committed to civil jail for such contempt.
2. Mention on 7th November for Notice to Show Cause and ruling on the Preliminary Objection.
3. It is so ordered.

Ruling dated, signed and delivered virtually via Microsoft Teams this 4th day of November 2024.

W. A. OKWANY

JUDGE

In the Presence of: -

Mr. Ombui Ratemo & Mr. Bonuke for the Petitioner

Mr. Ndubi for the Respondents

C/A - Anita

SIGNED BY: HON. LADY JUSTICE WILFRIDA A. OKWANY

The Judiciary of Kenya


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8/9



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

COURT NAME: NYAMIRA LAW COURT

CASE NUMBER: HCCHRPET/E008/2024

CITATION: ENOCK OKERO OGORI VS NYAMIRA COUNTY ASSEMBLY AND CLERK NYAMIRA COUNTY ASSEMBLY AND 7 OTHERS

RULING

1. In its Ruling rendered 4th November 2024, this court found that the Respondents were guilty of contempt of the conservatory Orders issued on 11th October 2024 restraining them from interfering with the Petitioner's discharge of his functions as Speaker of the 1st Respondent, pending the hearing and determination of the Application.
2. The Respondents were subsequently called upon to show cause why they should not be punished for contempt of the said court orders. The 2nd to the 8th Respondents thereafter appeared before this court in person in the company of their legal counsel on 16th December 2024. The Respondents presented their personal mitigation and apologies for the disobedience of the court order and undertook to henceforth comply with all the orders issued by the court.
3. The Petitioner, on the other hand, urged this court to take stern measures against the Respondents for their blatant disobedience of the court order. The Petitioner noted that the Respondents had not demonstrated that they had purged the contempt.
4. The law on contempt is governed by **Section 5 of the Judicature Act** which also empowers this Court to mete any appropriate punishment on parties who disobey its Orders in order to uphold its authority and dignity. Contrary to the notion that the law on contempt seeks to protect the Judiciary's interests, this Court is cognizant of and is unbowed to the fact that it stands as the bulwark of the administration of justice and must jealously guard against abuse of court processes and disregard of its orders which are paramount to the principles of Rule of Law. The editors of **Borrie and Lowe's Law of Contempt 2nd Edition, (1983)** observed as follows on the issue of contempt:-

"The rules embodied in the law of contempt of court are intended to uphold the effective administration of justice. As Lord Simon said in A-G v Times Newspapers Ltd they are the means by which the law vindicates the public interest in the due administration of justice. The law does not exist, as the phrase 'contempt of court' might misleadingly suggest, to protect the personal dignity of the judiciary nor does it exist to protect the private rights of the parties or litigants...Contempt of court plays a key role in protecting the administration of justice. It is an impotent adjunct to the criminal process and provides the final sanction



in the civil process."

1. I have carefully considered the mitigation presented by the contemnors and their Counsel. I have also considered the Petitioner's sentiments. I note that the Contemnors, are elected Members of the County Assembly who play the critical function of steering the activities of the County of Nyamira. The Respondents have honoured the summons and appeared before Court in person to show cause and mitigate for their actions. I have also noted, from their mitigation, that the actions leading to contempt were neither intended through ill-will nor executed in wilful and sheer disregard of this Court's Orders.
2. The Contemnors have expressed their remorse and come across as honest and genuine in their plea for a reprieve. This Court takes cognizance of the plight of the Contemnors that are actuated by the wrangles that have been experienced in the County Assembly since the commencement of this matter. It did not escape this Court's attention that the 6th Respondent submitted that his house was razed down by arsonists as a result of the differences arising from this matter.
3. The Contemnors also indicated that they are living in fear owing to the tension arising from the case. I hold the view that in the wider interests of justice and based on the existing conflicts, disagreements and tension between the County officials, it is likely that taking further precipitate punitive action against the Contemnors will not only be counterproductive but will also heighten and worsen the tension that is already prevailing in the County.
4. This Court takes the view that the action, by the Contemnors, to personally appear before it and present their apologies paints them as persons who are genuinely remorseful and are intent on mending their ways. I am therefore of the view that the Contemnors should be granted the opportunity to continue discharging their duties, as elected leaders, but with a rider that they should be beacons of good example to their electorate by maintaining peace and order in the conduct of their affairs.
5. It is further, the recommendation of this Court that the Contemnors should take this pardon, by the Court, as an opportunity to seek and embrace amicable resolutions for the existing conflicts and misunderstandings amongst the County Assembly Members. By virtue of their position as law makers in the County Assembly, the Contemnors should be at the forefront in advocating for obedience of court orders.
6. I am satisfied that the Contemnors have adequately purged the contempt and are deserving of the mercy of this Court. This Court hereby fully pardons the Contemnors but with a stern warning that the Court will not hesitate to mete out severe punishment for any further disobedience of its Orders. I am guided by the decision in **Republic vs. Public Procurement Administrative Review Board; Ex parte Applicant: Guardforce Group Limited; Pwani University & 2 others(Interested Parties), Judicial Review No. 32 of 2020.**
7. It is so ordered.

SIGNED BY: HON. LADY JUSTICE WILFRIDA A. OKWANY



THE JUDICIARY OF KENYA.
NYAMIRA HIGH COURT
HIGH COURT CIVIL

made by / @ 16th dec 2024



THE COUNTY ASSEMBLY OF NYAMIRA
www.nyamiraassembly.go.ke
Email: info@nyamiraassembly.go.ke
TEL No.0724334406



County Assembly Buildings
P.O Box 590-40500
Nyamira

COUNTY ASSEMBLY SERVICE BOARD
OFFICE OF THE CHAIRPERSON

Our Ref: CAN/CASB/ CLK/2024/OCT (1)

Date: 25th OCTOBER, 2024.

MR. DUKE S. ONYARI
COUNTY ASSEMBLY OF NYAMIRA.

Dear Mr. Onyari,

RE: **SUSPENSION**

Pursuant to Sections 22 and 23 of the County Assembly Services Act (2017), the County Assembly Service Board resolved, vide *MIN 07/CAN/CASB/25/10/2024* to suspend you from your position as the Deputy Clerk and Ag Clerk of the County Assembly of Nyamira effective from the date of this letter.

The Board has taken issue with your inability to perform the functions of the office you hold and is convinced that your conduct as the Deputy Clerk and Ag Clerk of the County Assembly has pointed towards insubordination. The Board hereby suspends you based on following allegations:

VIOLATION OF THE CONSTITUTION AND THE COUNTY ASSEMBLY SERVICE ACT 2017

You deliberately disobeyed two court orders that were directly served to you as the office holder charged with responsibility of implementing such orders despite the fact that you are the CEO of the institution. The two court orders included those quashing the illegal suspension of the speaker from office until after determination of the petition filed and those reinstating the two Board Members from the Majority and Minority sides.

You deliberately decided to Work in isolation contrary to Section 20(3) of the County Assembly Service Act 2017 that requires you to receive directions from the Speaker.

The Board has taken issue with your decision of receiving directions from unauthorized sources only Known by you.

ABUSE OF OFFICE

The Board having keenly observed your conduct is convinced that you deliberately abused the very office bestowed on you based on the following grounds:

Page 1 of 2

- I. Illegally swearing in and carrying out a gazette notice of new Board Members even after receiving restraining orders of the High court of Nyamira and the Political Parties Tribunal.
- II. Facilitating an illegal impeachment Motion of the Speaker on the floor of the house.
- III. Illegally advertising the Office of the Speaker as vacant in the local newspapers of wide circulation aware of the court directions.
- IV. Facilitating Insecurity in the Assembly by allowing goons to occupy the Assembly premises both day and night for more than one week contrary to your administrative responsibilities stipulated by the law - An act grossly endangered the lives of official occupants of the Assembly premises and the safety of property in the County Assembly premises

CONDUCTING UNPROCEDURAL ACTIVITIES IN THE COUNTY ASSEMBLY

- I. You deliberately Prepared and cleared un-procedural activities that were conducted on the floor of the House using unauthorized staff and Members of the County Assembly on Thursday the 24th October 2024 that resulted to the Illegal Impeachment of the Speaker.
- II. You deliberately failed to advise on the legislative processes and associated activities that preceded an impeachment Motion - a duty directly bestowed on you through the County Assembly's Services Act sec 20(1)

GOING CONTRARY TO THE ADVISORY OF CAF IN PAYMENT OF PERDIEMS

You went contrary to the advisory of the CAF and went ahead to pay more days for non-participating members and otherwise making skewed payments with bias.

The Board therefore resolves as follows

That you are suspended for a period of 45days pending investigations and further communication from the Board. During your suspension, you are required to refrain from accessing the County Assembly precincts and conducting any official duties.

That you are required to hand over any official documents, keys, stamp, official seal and other office items in your possession to the Office of the Ag. To the Acting Deputy Clerk Mr. Silvanus Nyamora immediately.

That the Board will give you an opportunity to respond and grant you a fair hearing on a date to be communicated in due course.

Thank you.

Sincerely,




HON. ENOCK O. OKERO
THE CHAIRPERSON
COUNTY ASSEMBLY SERVICE BOARD

Copy To: Director-Human Resource Management
County Assembly of Nyamira.

Annex 7b

THE COUNTY ASSEMBLY OF NYAMIRA

www.nyamiraassembly.go.ke
Email: info@nyamiraassembly.go.ke
TEL No.0724334406



County Assembly Buildings
P.O Box 590-40500
Nyamira

COUNTY ASSEMBLY SERVICE BOARD
OFFICE OF THE CHAIRPERSON

Our Ref: CAN/CASB/ CLK/2024/NOV (2)

Date: 4th NOVEMBER, 2024.

MR. DUKE S. ONYARI
COUNTY ASSEMBLY OF NYAMIRA.

Dear Mr. Onyari,

RE: **SHOW CAUSE**

Reference is made to your suspension letter dated 25th October 2024 spelling out your allegations in brief.

That the Board has on the same note given you an opportunity to respond in writing to the allegations laid against you within 7 days of this letter to show cause why disciplinary action cannot be taken against you. The board shall further communicate in prior notice of a date to give you a fair hearing as stipulated in Article 50 of the Constitution

Thank you.

Sincerely,

HON. ENOCK O. OKERO
THE CHAIRPERSON
COUNTY ASSEMBLY SERVICE BOARD



THE COUNTY ASSEMBLY OF NYAMIRA

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Nyamira

COUNTY ASSEMBLY SERVICE BOARD
OFFICE OF THE CHAIRPERSON

Our Ref: CAN/CASB/ CLK/2024/NOV (1)

Date: 4th NOVEMBER, 2024.

MR. DUKE S. ONYARI
COUNTY ASSEMBLY OF NYAMIRA.

Dear Mr. Onyari,

RE: HANDING OVER OF OFFICE ITEMS AND OTHER MATERIALS

Reference is made to your letter with Ref. No. CAN/CASB/ CLK/2024/OCT (1) dated 25th October 2024 asking you to hand over following your suspension.

You are hereby reminded to handover to Mr. Silvanus Nyamora latest Wednesday 6th November 2024 at 10.00. a.m. You will also be required to facilitate the requisite requirements for change of mandates at the CBK.

Your cooperation in this matter will be highly appreciated.

Thank you.

Sincerely,

HON. ENOCK O. OKERO
THE CHAIRPERSON
COUNTY ASSEMBLY SERVICE BOARD



Copy To: Director-Human Resource Management
County Assembly of Nyamira.

THE COUNTY ASSEMBLY OF NYAMIRA

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Nyamira

COUNTY ASSEMBLY SERVICE BOARD
OFFICE OF THE CHAIRPERSON

Our Ref: CAN/CASB/ CLK/2024/NOV (3)

Date: 4th NOVEMBER, 2024.

MR. LEONARD K. NYAMASEGE
COUNTY ASSEMBLY OF NYAMIRA.

Dear Mr. Nyamasege,

RE: CHANGE OF CBK SIGNATORIES

Following the suspension of the Ag. Clerk Mr Onyari through a letter dated 25th October 2024, the Board has appointed Mr. Silvanus Nyamora as the Clerk on acting capacity.

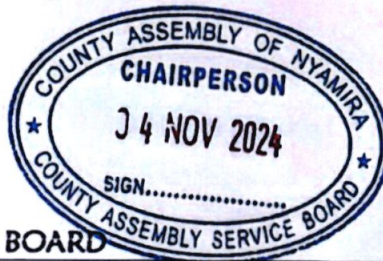
The purpose of this letter is to inform you of the intention to change the mandates with the Central Bank as well as ask you to assist the new Ag. Clerk in undertaking the same to enable the Assembly to resume normal operations.

Your cooperation on the above subject matter will be highly appreciated.

Thank you.

Sincerely,

HON. ENOCK O. OKERO
THE CHAIRPERSON
COUNTY ASSEMBLY SERVICE BOARD



THE COUNTY ASSEMBLY OF NYAMIRA

✉ info@nyamiraassembly.go.ke
 🌐 www.nyamiraassembly.go.ke



📍 County Assembly Building
 P.O Box 590-40500
 Nyamira, Kenya

COUNTY ASSEMBLY SERVICE BOARD OFFICE OF THE CHAIRPERSON

P.O Box 590-40500, Nyamira

Website: www.nyamiraassembly.go.ke

E-mail: info@nyamiraassembly.go

REF: CAN/CASB/CLK/2024/OCT (2)

25th OCTOBER 2024

MR. SILVANUS NDEMO NYAMORA
(PF. NO: 2011011878)

Dear Mr. Nyamora

RE: APPOINTMENT AS CLERK OF COUNTY ASSEMBLY ON ACTING CAPACITY

The County Assembly Services Act, 2017 mandates the County Assembly Service Board to determine and review the terms and conditions of service of persons holding or acting in the offices of the Service, among other functions.

You are hereby appointed as the **Clerk of County Assembly on Acting Capacity effective 28th October, 2024** for a maximum period of 6 Months or subject to substantive filling of the position.

Your duties and responsibilities will be as follows:

- 1) Responsible for the day to day administration and functioning of the County Assembly;
- 2) Secretary to the County Assembly Service Board;
- 3) The custodian of the Board's records;
- 4) Convey all the decisions made by the Board;
- 5) Advise the County Assembly Service Board (CASB) on administrative and operational issues;
- 6) Chairing the Management committee meetings;

- 7) An authorized officer of the service/Authority to incur expenditure (AIE) and final financial approver at the County Assembly;
- 8) Ensuring proper management and control of, and accounting for, County Assembly finances to promote the efficient and effective use of budgetary resources;
- 9) Principal adviser in the provision of expert, non-partisan and impartial advice to the Speaker of the County Assembly, other presiding officers and to all Honorable Members on the parliamentary procedures, practices, conventions and traditions; and
- 10) Any other duty or responsibility bestowed upon the office of the Clerk of County Assembly by any statute.

You shall be paid an Acting Allowance as prescribed during the period of this appointment. Your remunerative Allowances remain the same. Other facilitative allowances shall apply as prescribed by SRC Circulars for the position of Clerk of County Assembly.

Kindly signify your acceptance of this offer by signing and returning a copy of this letter thereof.

Sincerely,



HON. ENOCK O. OKIRO
THE CHAIRPERSON
COUNTY ASSEMBLY SERVICE BOARD

Copy To: Director - Human Resource and Administration



THE KENYA GAZETTE

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GAZETTE NOTICE NO. 14228

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF DECREES

WHEREAS Fort Properties Limited, is the registered proprietor of all that piece of land known as subdivision No. 761 II MN, situate in the district of Mombasa, containing 7.19 acres or thereabouts, and whereas the Environment and Land Court at Mombasa in Civil Suit No. 195 (O.S.) of 2012 has issued a decree of specific performance for the transfer of the property in favour of (1) Morris Malagho, (2) Godfrey Opiyo Ojiambo, (3) Jones Mwadime Gare, (4) William Odhiambo Oyuga, (5) Evan Malecha Sunza, (6) Khamis Mangi Yaa, (7) Edward Mwashindo Francis, (8) Alice Mangi Wughimbi, (9) Dancan Kiteto Mangi, (10) Mwandau Wughanga Mwadime, (11) Herman Githinji Kiarie, (12) William Otieno Okwany, (13) Suleiman Yunis Musa, (14) Chibo Janji Munga, (15) Dedan Mwangi, (16) Gift Baraka Mwakina, (17) Silvester Mwangolo Nguzo, (18) Eli Mwallengo Mwakio, (19) Patrick Ouma Alex, (20) Lilian Aoko Onyango, (21) Esha Abdalla Mohamed, (22) Bi Umi Ishe, (23) William Tungu Kabomu, (24) George Kenedy Oching Otieno, (25) Kenneth Vulimu Kiziri, (26) Charles Momanyi, (27) Chausiku Omar Hamisi, (28) Karisa Kitsao Rumba, (29) Patrick Momanyi, (30) Oliphe Shilisia Isoka, (31) Christine Wawuda Simba, (32) Mimor Chondo Ziroh, (33) Uchi Kombo Ndegra, (34) Mejuma Mwenyekamoyo, (35) Ali Amani Kakwilo, (36) Evans Odhiambo, (37) Mariam Said Juma, (38) Ali Rashid Juma, (39) Fatma Kassim Athuman, (40) Athumani Kassim, (41) Nyakundi Naomi Wanjiku, (42) Zaina Ali Juma, (43) Jonahan Hare, (44) Khabaso Ngamba, (45) Said Athman Said, (46) Mumba Sirya Kadenge, (47) Grace Halima Mzungu, (48) Amos Ziro Shehe, (49) Mejumaa Mwinyikai, (50) Idris Anyanzwa, (51) Khadija Abdillahi, (52) Abdalla Mwynyikai, (53) Mwakombo Abdillahi, (54) James Ondiek, (55) Dacan Olwado, (56) Swaleh Matano, (57) Francisca Mueno Musyoka, (58) Victoria Ongera, (59) Shako Aggrey, (60) Godfrey Ojiambo, (61) Danson Mwangome, (62) Jonathan Sawadi Musembi, (63) Wycliffe W. Wekulo, (64) Rehema Haji Idi, (65) Mohammed Hamisi, (66) Clifton Odhiambo Ogalloh, (67) Abdulla Riziki Kisuka, (68) Omar Riziki Kisuka, (69) Mwaisha Abdalla, (70) Chengo Wabaya, (71) Deche Kai Mushihi, (72) Abubakar Ali Mole, (73) Mariam Mbarak Ali, (74) Eunice Odhiambo, (75) Rashid Mazera, (76) Lucas Mbaru Munga, (77) Anderson Mwanyumba, (78) Ramadhan Said Bohero, (79) Khaleb A. Mtengo, (80) Michael Mbogho, (81) Nuru Kache Mohamed, (82) Sikukuu Ali Mwinyi, (83) Mercy Kathure, (84) Fabian Wilson Wanjere, (85) Esther Sidi Kadzecha, (86) Khalid A. Mtengo, (87) Hapsa Athman Juma, (88) Elijah Kaingu Mngindo, (89) Bitumu Idd Omar, (90) Abdulrahman Abdillahi, (91) Kaingu Mihujini Kithi, (92) Sadara Ayub Haruna, (93) Isabella Mchoi Kirigha, (94) Gilbert Mwakamba Nyangala, (95) Shaiya Samuel Kibe, (96) Fatma Raya Athumani Chamanga Chiro, (97) Francis Maura Mbugua, (98) Faris Anyanzwa, (99) Fredrick Nzioka Mbonoka, (100) Mariam Saidi Juma, (101) Nassibu Mohamed Bakari, (102) Aisha Mahafudh Awadh, notice is given that after the expiration of sixty (60) days from the date hereof, provided no valid objection has been received within that period, I shall issue a new land title deed in the name of (1) Morris Malagho, (2) Godfrey Opiyo Ojiambo, (3) Jones Mwadime Gare, (4) William Odhiambo Oyuga, (5) Evan Malecha Sunza, (6) Khamis Mangi Yaa, (7) Edward Mwashindo Francis, (8) Alice Mangi Wughimbi, (9) Dancan Kiteto Mangi, (10) Mwandau Wughanga Mwadime, (11) Herman Githinji Kiarie, (12) William Otieno Okwany, (13) Suleiman Yunis Musa, (14) Chibo Janji Munga, (15) Dedan Mwangi, (16) Gift Baraka Mwakina, (17) Silvester Mwangolo Nguzo, (18) Eli Mwallengo Mwakio, (19) Patrick Ouma Alex, (20) Lilian Aoko Onyango, (21) Esha Abdalla Mohamed, (22) Bi Umi Ishe, (23) William Tungu Kabomu, (24) George Kenedy Oching Otieno, (25) Kenneth Vulimu Kiziri, (26) Charles Momanyi, (27) Chausiku Omar Hamisi, (28) Karisa Kitsao Rumba, (29) Patrick Momanyi, (30) Oliphe Shilisia Isoka, (31) Christine Wawuda Simba, (32) Mimor Chondo Ziroh, (33) Uchi Kombo Ndegra, (34) Mejuma Mwenyekamoyo, (35) Ali Amani Kakwilo, (36) Evans Odhiambo, (37) Mariam Said Juma, (38) Ali Rashid Juma, (39) Fatma Kassim Athuman, (40) Athumani Kassim, (41) Nyakundi Naomi Wanjiku, (42) Zaina Ali Juma, (43) Jonahan Hare, (44) Khabaso Ngamba, (45) Said Athman Said, (46) Mumba Sirya Kadenge, (47) Grace Halima Mzungu, (48) Amos Ziro Shehe, (49) Mejumaa Mwinyikai, (50) Idris Anyanzwa, (51) Khadija Abdillahi, (52) Abdalla Mwynyikai, (53) Mwakombo Abdillahi, (54)

James Ondiek, (55) Dacan Olwado, (56) Swaleh Matano, (57) Francisca Mueno Musyoka, (58) Victoria Ongera, (59) Shako Aggrey, (60) Godfrey Ojiambo, (61) Danson Mwangome, (62) Jonathan Sawadi Musembi, (63) Wycliffe W. Wekulo, (64) Rehema Haji Idi, (65) Mohammed Hamisi, (66) Clifton Odhiambo Ogalloh, (67) Abdulla Riziki Kisuka, (68) Omar Riziki Kisuka, (69) Mwaisha Abdalla, (70) Chengo Wabaya, (71) Deche Kai Mushihi, (72) Abubakar Ali Mole, (73) Mariam Mbarak Ali, (74) Eunice Odhiambo, (75) Rashid Mazera, (76) Lucas Mbaru Munga, (77) Anderson Mwanyumba, (78) Ramadhan Said Bohero, (79) Khaleb A. Mtengo, (80) Michael Mbogho, (81) Nuru Kache Mohamed, (82) Sikukuu Ali Mwinyi, (83) Mercy Kathure, (84) Fabian Wilson Wanjere, (85) Esther Sidi Kadzecha, (86) Khalid A. Mtengo, (87) Hapsa Athman Juma, (88) Elijah Kaingu Mngindo, (89) Bitumu Idd Omar, (90) Abdulrahman Abdillahi, (91) Kaingu Mihujini Kithi, (92) Sadara Ayub Haruna, (93) Isabella Mchoi Kirigha, (94) Gilbert Mwakamba Nyangala, (95) Shaiya Samuel Kibe, (96) Fatma Raya Athumani Chamanga Chiro, (97) Francis Maura Mbugua, (98) Faris Anyanzwa, (99) Fredrick Nzioka Mbonoka, (100) Mariam Saidi Juma, (101) Nassibu Mohamed Bakari, (102) Aisha Mahafudh Awadh, and upon such registration the land title deed earlier issued to the said Fort Properties Limited, shall be deemed cancelled and of no effect.

Dated the 1st November, 2024

G. O. NYANGWESO,

MR/6539830

Land Registrar, Mombasa District.

GAZETTE NOTICE NO. 14229

THE CONSTITUTION OF KENYA

COUNTY ASSEMBLY OF NYAMIRA

ALTERNATIVE AREAS OF COUNTY ASSEMBLY SITTINGS

PURSUANT to Article 126 (1) the general public is hereby notified that in the quest to promote Bunge Mashinani, effective from the 31st October, 2024, the Nyamira County Assembly sittings will also be done at the following premises adhering to the existing County Assembly Calendar:

1. Masaba North Sub-county offices
2. Nyamira North Sub-County office
3. Manga Sub-County Offices
4. Borabu Sub-County Offices

Dated the 29th October, 2024.



PTG 873/24-25

Speaker, County Assembly of Nyamira.

GAZETTE NOTICE NO. 14230

THE CONSTITUTION OF KENYA

THE COUNTY GOVERNMENTS ACT

(No. 17 of 2012)

THE COUNTY ASSEMBLY SERVICES ACT

(No. 24 of 2017)

APPOINTMENT

IN EXERCISE of the powers conferred by section 12 (7) (b) of the County Governments Act and section 21 of the County Assembly Services Act, 2017 Nyamira County Assembly Service Board, vide minute MIN 6/CAN/CASB/26/10/2024 has appointed —

SILVANUS NDEMO NYAMORA

to be the Ag. Clerk of the County Assembly of Nyamira and consequently the Secretary of the Nyamira County Assembly Services Board, effective the 28th of October, 2024.

Dated the 26th October, 2024.

ENOCK OKERO,

PTG 873/24-25

Chairperson, County Assembly Service Board.



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI CITY

COURT NAME: MILIMANI HIGH COURT

CASE NUMBER: HCJRMISC/E007/2025

CITATION: COUNTY ASSEMBLY OF NYAMIRA VS STATE LAW OFFICE AND THE GOVERNMENT PRINTERS

DIRECTIONS

The Application dated 15.1.25 is certified as urgent.

Considering the fact that the Application touches on matters of the County Assembly of Nyamira, this court directs that the suit be and is hereby transferred to The Nyamira High Court for hearing and determination.

SIGNED BY: HON. JUSTICE J. CHIGITI (SC)



THE JUDICIARY OF KENYA.
MILIMANI HIGH COURT
HIGH COURT JUDICIAL REVIEW
DATE: 2025-01-16 21:48:13



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

COURT NAME: NYAMIRA LAW COURT

CASE NUMBER: HCJR/E007/2024

CITATION: COUNTY ASSEMBLY OF NYAMIRA VS ENOCK OKERO OGORI

RULING

1. The application dated 28.11.24 is considered .
2. The seeks leave to file Judicial review in the nature of certiorari to bring into this court and to quash gazette Notices Numbers 14229 of 2024,
14239 of 2024 and 14273 of 2024 dated 29.20.23, 26.10.23 and 30.10.24 respectively .
3. The applicant also seeks that the said leave do operate stay of the said gazette Notices Numbers 14229 of 2024, 14239 of 2024 and 14273 of
2024 dated 29.20.23, 26.10.23 and 30.10.24 respectively .
4. I have perused the said motion and I find that the applicant has established that he has an arguable case against the respondents .
6. I allow the application in terms of prayer 2 and 3 of the said application .
7. The substantive Notice of motion be filed and served within 14 days from today.
8. Mention on 16.12.24 at 10.00am .

SIGNED BY: HON. LADY JUSTICE ODERA TERESA ACHIENG



THE JUDICIARY OF KENYA.

NYAMIRA HIGH COURT

HIGH COURT CIVIL

DATE: 2024-11-29 10:30:40+03





REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

COURT NAME: NYAMIRA LAW COURT

CASE NUMBER: HCJR/E007/2024

CITATION: COUNTY ASSEMBLY OF NYAMIRA VS ENOCK OKERO OGORI

RULING

1. This ruling is in respect to the Application dated 1st December 2024 wherein the Respondent/Applicant, **Enock Okero Ogori**, seeks the following orders: -
2. **SPENT**
3. **SPENT**
4. **THAT the Honourable Court be pleased to set aside, vacate, vary and discharge the Orders granted ex-parte on 29th November 2024.**
5. **THAT costs of and incidental to this Application be in the cause.**

1. The Application is brought under Section 80 of the Civil Procedure Act, Order 45 of the Civil Procedure Rules as read with Articles 19, 23, 47, 48, 50 and 159 of the Constitution. It is predicated on the grounds of the face of the Application and is supported by the Respondent's affidavit wherein he avers that; he was the current legitimate and lawful Speaker of the Nyamira County Assembly, having obtained conservatory orders on 11th October 2024 restraining anyone from interfering with the discharge of his duties; that the Applicant filed JR E005 of 2024 seeking to quash Gazette Notices Nos. 14229, 14230 and 14273 of 2024 and the present Application with the full knowledge that they addressed the same subject matter; that substantive orders were made against him contrary to the rules of natural justice on the right to be heard; that there is potential risk of conflicting court orders being issued by different courts and that the filing of the present Application constitutes an abuse of judicial processes since it amounts forum shopping through multiplicity of suits.
2. The Applicant further avers that the granting of leave to institute JR proceedings against him through the Court orders of 29th November 2024 automatically ousted the Court's orders issued on 11th October 2024 and that had the Court been made aware of the existence of JR E005 of 2024, it would not have issued the impugned orders at the *ex-parte* stage because of the *sub-judice* rule. He states that there is an error apparent on the face of the record as the Court issued substantive *ex-parte* orders without hearing the Respondent's case.
3. The *ex-parte* Applicant filed the Repleting Affidavit of its Acting Clerk, **Mr. Duke Onyari** in

response to the Application. The said deponent avers that the Application is incurably defective for failure to annex the Orders sought to be stayed, varied or vacated. He further states that judicial review proceedings are *sui generis* in nature and that the court therefore lacks the jurisdiction to entertain the present Application and that there is no court order or subsequent gazette notice revoking Gazette Notice No. 14050 of 2024 that gazetted the Respondent's impeachment.

4. He faults the Respondent for abusing the court processes by filing multiple petitions in three different courts but adds that there is no risk of conflicting orders because JR E005 of 2024 has since been withdrawn.
5. The Respondent/Applicant filed a further affidavit dated 14th December 2024 in which he avers that this court is clothed with the jurisdiction to hear the Application as there is no provision requiring that the Order sought to be vacated be annexed to the Application. He further avers that the Notice of Withdrawal of suit filed in JR E005 was cleverly filed on 29th November 2024 at 11.11 a.m. in bad faith without the leave of court. He also states that any issues relating to competence of the appointees listed under Gazette Notice 14273 could only be dealt with in a different forum because Judicial Review proceedings deals with the procedure of administrative decisions and not their merits.
6. The Application was canvassed by way of written submissions which I have considered.

Analysis and Determination.

1. I have considered the pleadings filed herein and the parties' rival submissions. I find that the main issue for my determination is the Application is merited.
2. The court's power to review its own decisions is provided for under **Section 80 of the Civil Procedure Act and Order 45 Rule 1 of the Civil Procedure Rules** which stipulate as follows:-

80. Any person who considers himself aggrieved-

1. **by a decree or order from which an appeal is allowed by this Act, but from which no appeal has been preferred; or**
2. **by a decree or order from which no appeal is allowed by this Act,**

May apply for a review of judgement to the court, which passed the decree or made the order, and the court may make such order thereon as it thinks fit.

Order 45 Rule 1 (1) Any person considering himself aggrieved-

1. **By a decree or order from which an appeal is allowed, but from which no appeal has been preferred; or**
2. **By a decree or order from which no appeal is hereby allowed, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or the order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree or order, may apply for review of judgement to the court which passed the decree or made the order without unreasonable delay.**
3. I note that impugned orders granted the exparte Applicant leave to institute Judicial Review proceedings against the Respondent which leave was also to operate as stay of the impugned Gazette Notices.
4. In **Judicial Commission of Inquiry to the Goldenberg Affair vs. Job Kilach Civil Appeal No.77 of 2003** the Court of Appeal rendered itself as follows:-



"The next point to make is that although appeal does lie to this court against an ex-parte order made by a judge of High Court.....nevertheless in his judgment in that case, Sir Donalds on MR [1983] 3 All E.R. 589 at page 593 said:

***"I have said ex-parte orders are essentially provisional in nature. They are made by the judge on the basis of evidence and submissions emanating from one side only. Despite the fact that the Applicant is under duty to make full disclosure of all relevant information in his possession whether or not it assists his application this is no basis for making a definite order and every judge knows this. He expects, at a later stage, to be given opportunity to review his provisional order in the light of evidence and argument adduced by the other side and in so doing he is not hearing an appeal from himself and in no way feels inhibited from discharging or varying his original order. This being the case it is difficult if not impossible to think of circumstances in which it would be proper to appeal to this court against an ex-parte order without just giving the High Court judge an opportunity of reviewing it in light of argument from the defendant and reaching a decision."*[emphasis added]**

1. Similarly, in ***Republic vs. Vice Chancellor Moi University & 3 others Ex-Parte Benjamin J. Gikenyi Magare [2018] eKLR*** H. Omondi J. (as she then was) held as follows when faced with a similar Application to vacate stay orders issued in a judicial review application: -

"To request the court to re-look at the background leading to the issuance of stay, is in my view, not asking the court to sit on appeal on orders of a court of equal status. It is simply telling the court to reconsider the orders issued in light of the fact that the beneficiary of those orders concealed or did not disclose all the material facts prevailing. All the other issues raised will be better addressed at the hearing of the main motion."

1. My understanding of the above decisions is that the court's hands are not tied when it comes to reviewing *ex-parte* orders made in Judicial Review proceedings. This is to say that the law permits the court to vary its decisions particularly where the circumstances warrant review/variation, such as where the *ex-parte* Applicant has concealed some facts which may have been relevant in making a decision at that preliminary *ex-parte* stage. I find that this court has the jurisdiction to hear and determine the Application for review and to grant any appropriate orders even if the Applicant may have already filed a substantive motion.
2. It was not disputed that on 11th October 2024 this court issued conservatory orders directing the parties to maintain status quo pending the hearing and determination of an Application filed in Nyamira Petition No. E008 of 2024 wherein the *ex-parte* Applicant is also a party. To my mind, the effect of the said conservatory orders was to stop any subsequent actions against the holder of the office of the Speaker of the County Assembly including, removing from office by way of impeachment.
3. Flowing from the above position, it is clear that the Applicant/Respondent did not disclose the existence of conservatory orders in Petition No. E008 of 2024 when it appeared before the Court at Kisii on 29th November 2024. It is also clear that the *ex-parte* Applicant did not disclose the existence of the earlier Judicial Review that they filed in JR E005 of 2024 over the same subject matter, being the impugned gazette notices.
4. It is therefore clear that the Court granted the orders of 29th November 2024 without the benefit of the full set of facts and background of the case. The effect of the leave granted herein operating as a stay of the impugned Gazette Notices automatically had the effect of conflicting with the said existing conservatory orders. It is on this basis that I find that it would have been prudent for the Applicants to disclose all material facts to the Court to enable it make a proper decision. Failure to disclose all the material fact paint the *ex-parte* applicant in bad light and portray it as a party who was driven by mischief with the intention of

circumventing the judicial process that was already in motion.

5. The ripple effect of the impugned orders, as has been seen, is the potential embarrassment that may be caused to the Court with the ensuing confusion arising from conflicting orders. A very untidy scenario has thus been created where on one hand the Speaker has conservatory orders to remain in office and conduct his duties which include issuance of gazette notices and on the other hand, the said gazette notices are put on hold following the non-disclosure of material facts.
6. I find the Supreme Court decision of **Kaluma vs. NGO Co-ordination Board & 5 others (Application E011 of 2023) [2023] KESC 72 (KLR) (Civ) (12 September 2023) (Ruling)**, relevant in this regard, where the apex court outlined the circumstances under which it could review its own decisions as follows: -

“(a) The judgment, ruling or order is obtained through fraud, deceit or misrepresentation of facts;

(b) The judgment, ruling or order is a nullity by virtue of being made by a court which was not competent;

(c) The court was misled into giving judgment, ruling or order under the belief that the parties have consented; and

(d) The judgment, ruling or order was rendered on the basis of repealed law or as a result of a deliberate concealment of a statutory provision.”

1. It is my finding that the circumstances in the present case fall under the first scenario, where the Court issued the ex-parte orders based on a misrepresentation of facts or lack of full disclosure. This therefore calls for this Court to review its previous orders.
2. Turning to the claim that the instant JR Application offends the *subjudice* doctrine, I note that it was not disputed that the Applicants had previously filed a Judicial Review Application No. E005 of 2024 wherein they sought to quash the Gazette Notices No. 14229 and 14230 of 2024 on the basis that the Respondent had issued them after he had been impeached from office. I find that even though the Applicants/Respondents (County Assembly) argued that the said Judicial Review Application did not challenge the third Gazette Notice No. 14273 of 2024, such an argument does not vitiate the fact that they filed two similar Applications at different times in respect to the same subject matter.
3. It is my view that the substratum of the Application in JR E005 of 2024 speaks to the same issue in the present Application JR E007 of 2024 which is primarily to nullify any gazette notices issued by the Respondent/Applicant (Speaker) after his alleged impeachment. I find that JR E007 of 2024 was filed after JR E005 of 2024 in contravention with the Res Sub-Judice Rule.
4. The *Res Subjudice* rule is codified under **Section 6 of the Civil Procedure Act** as follows: -

“No court shall proceed with the trial of any suit or proceeding in which the matter in issue is also directly and substantially in issue in a previously instituted suit or proceeding between the same parties, or between parties under whom they or any of them claim, litigating under the same title, where such suit or proceeding is pending in the same or any other court having jurisdiction in Kenya to grant the relief claimed.”

1. The Supreme Court further expounded on this rule in the case of **Kenya National Commission on Human Rights vs. Attorney General; Independent Electoral & Boundaries Commission & 16 others (Interested Parties)**, as follows: -



"[67] The term 'sub-judice' is defined in Black's Law Dictionary 9th Edition as: "Before the Court or Judge for determination." The purpose of the sub-judice rule is to stop the filing of a multiplicity of suits between the same parties or those claiming under them over the same subject matter so as to avoid abuse of the Court process and diminish the chances of courts, with competent jurisdiction, issuing conflicting decisions over the same subject matter. This means that when two or more cases are filed between the same parties on the same subject matter before courts with jurisdiction, the matter that is filed later ought to be stayed in order to await the determination to be made in the earlier suit. A party that seeks to invoke the doctrine of res sub-judice must, therefore, establish that there is more than one suit over the same subject matter, that one suit was instituted before the other, that both suits are pending before courts of competent jurisdiction, and lastly; that the suits are between the same parties or their representatives."

1. I have considered the Applicant/Respondents claim that they had withdrawn the Application in JR E005 of 2024. I find that this claim was not proved as the exparte applicant did not demonstrate that it obtained the of the court to withdraw the said JR. It is my finding that the filing a multiple suits with the intention of obtaining a favourable outcome not only amounted to the undesirable act of forum shopping but also constituted outright abuse and mockery of the judicial processes and systems. (See **Purity Moraa Kirere vs. The Senate and 8 Others Petition No. 4 of 2024**).
2. For the reasons that I have stated in this ruling, I find that the Respondent/Applicant has made out a case for the setting aside of the Orders issued on 29th November 2024. Consequently, I allow the Application dated 1st December 2024 in the following terms:
3. **That the ex-parte orders granted on 29th November 2024, specifically in respect to the stay of the gazette notices, are hereby set aside.**
4. **Since this is a Public Interest matter where there are other pending matters, I make no orders as to costs.**
5. It is so ordered.

Ruling dated, signed and delivered virtually at Nyamira via Microsoft Teams this 30th day of January 2025.

SIGNED BY: HON. LADY JUSTICE WILFRIDA A. OKWANY



THE JUDICIARY OF KENYA.

NYAMIRA HIGH COURT

HIGH COURT CIVIL

DATE: 2025-02-04 12:23:34+03





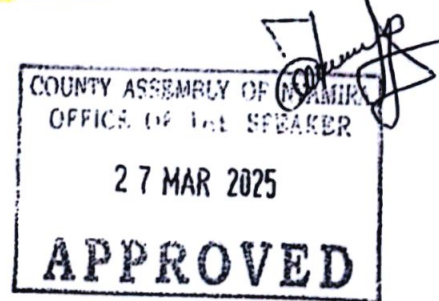
REPUBLIC OF KENYA
COUNTY ASSEMBLY OF NYAMIRA
THIRD ASSEMBLY - FOURTH SESSION
ORDER PAPER

THURSDAY 27TH MARCH, 2025 AT 2:30PM

PRAYER:

1. Administration of oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers

To be laid;



HON. JOSIAH MANG'ERA – MEMBER OF THE COUNTY ASSEMBLY SERVICE BOARD

Report on the recruitment process of two External Members of the County Assembly of Nyamira Service board.

6. Notices of Motions

HON. JOSIAH MANG'ERA – MEMBER OF THE COUNTY ASSEMBLY SERVICE BOARD

Notice of Motion to consider debate and adopt Report on the recruitment process of two External Members of the County Assembly of Nyamira Service board.

7. Statements

8. Motions and Bills

HON. GEORGE ABUGA – LEADER OF MAJORITY

*Mover - Hon. Abuga
Seconder - Hon. Duke Masira
Adopted

*Procedural Motion

HON. JOSIAH MANG'ERA – MEMBER OF THE COUNTY ASSEMBLY SERVICE BOARD

Notice of Motion to consider debate and adopt Report on the recruitment process of two External Members of the County Assembly of Nyamira Service board.

*Mover - Hon. Mang'era
Seconder - Hon. Njindia Riechi
Adopted

*ADJOURNMENT.

NEXT SITTING: TUESDAY, 1ST APRIL, 2025 AT 9:30AM

**Gladys Kyotero Ogendo
John Ondigo

THE COUNTY ASSEMBLY OF NYAMIRA

✉ info@nyamiraassembly.go.ke
🌐 www.nyamiraassembly.go.ke



📍 County Assembly Buildings
P.O Box 590-40500
Nyamira, Kenya

COUNTY ASSEMBLY SERVICE BOARD OFFICE OF THE CHAIRPERSON

When replying please quote our Reference

REF: CAN/CASB/STAFF/DEC/RES/1

DATE: 19th DECEMBER, 2024

MR. DUKE SIMEON ONYARI

(PF. NO: 20140013556)

P.O BOX 590 – 40500, NYAMIRA

Dear *Mr. Onyari,*

RE: APPOINTMENT AS CLERK OF COUNTY ASSEMBLY

The County Assembly Services Act, 2017 mandates the County Assembly Service Board to determine and review the terms and conditions of service of persons holding or acting in the offices of the Service, among other functions.

The County Assembly Service Board reviewed your terms and conditions of service to the County Assembly and sought the approval of the County Assembly to appoint you as Clerk of the County Assembly to maximize your potential and improve service delivery so as to promote the ideals espoused by the County Assembly. The County Assembly, in its morning sitting of 19th December 2024, approved your appointment as Clerk of the County Assembly.

In light of the above, the County Assembly Service Board resolved, Vide Minute No 02/CASB/2024/12/19 to appoint you as Clerk of the County Assembly of Nyamira in Job Group "T" *with effect from 2nd December 2024*

Your Basic Salary shall be Kshs. 251,490 in the scale: (Kshs. 182,665 x 9,680- 192,345 x 10,425 - 202,770 x 11,680 -214,450 x 11,680 - 226,130 x 11,680 - 237,810 x 13,680 - 251,490 x 13,680 -265,170 x 15,680 - 280,850 x 15,680 -296,530 p.m.).

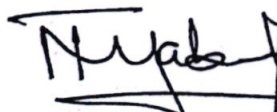
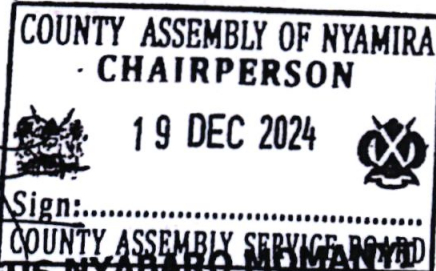
Other Allowances shall be as per the relevant Salaries & Remuneration Commission Circulars.

Your duties and responsibilities will be as follows:

- 1) Responsible for the day to day administration and functioning of the County Assembly;
- 2) Secretary to the County Assembly Service Board;
- 3) The custodian of the Board's records;
- 4) Convey all the decisions made by the Board;
- 5) Advise the County Assembly Service Board (CASB) on administrative and operational issues;
- 6) Chairing the Management committees meetings;
- 7) An authorized officer of the service/Authority to incur expenditure (AIE) and final financial approver at the County Assembly;
- 8) Ensuring proper management and control of, and accounting for, County Assembly finances to promote the efficient and effective use of budgetary resources;
- 9) Principal adviser in the provision of expert, non-partisan and impartial advice to the Speaker of the County Assembly, other presiding officers and to all honourable Members on the parliamentary procedures, practices, conventions and traditions; and
- 10) Any other duty or responsibility bestowed upon the office of the Clerk of County Assembly by any statute.

The County Assembly Service Board congratulates you on your Appointment. Kindly signify your acceptance of this offer by signing and returning a copy of this letter thereof.

Sincerely,

HON. THADDEUS NYABARO MOMANYI
THE CHAIRPERSON - COUNTY ASSEMBLY SERVICE BOARD
COUNTY ASSEMBLY OF NYAMIRA

Copy To: Director, Human Resource Management



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

COURT NAME: NYAMIRA LAW COURT

CASE NUMBER: HCCHRPET/E001/2025

CITATION: EDWIN ONCHOKO VS INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
AND NYAMIRA COUNTY ASSEMBLY AND 2 OTHERS

ORDERS(COURT DOCUMENT)

BEFORE HON. LADY JUSTICE WILFRIDA A. OKWANY

This matter coming up Ruling on Preliminary Objection before Hon. Lady Justice W. A. Okwany AND UPON delivery of the said Ruling AND UPON consideration of oral submissions by both counsel on the issue of issuance of proceedings, ruling and orders, stay of execution and granting of conservatory orders sought in Application dated 20th January 2025;

IT IS HEREBY ORDERED AS FOLLOWS: -

1. THAT the Respondent's prayer to be supplied with the certified copies of the proceedings, ruling and orders in the ruling of 6/02/2025 is allowed.
2. THAT on stay of proceedings, the Respondent is directed to make a formal application for stay of proceedings for this court's consideration.
3. THAT pending the inter partes hearing and determination of the instant Application, conservatory order be and is hereby issued staying the effect and implementation including gazetting of the purported election of the 1st Interested Party as Speaker of the 1st Respondent.
4. THAT pending the hearing and determination of the application herein, Interim Temporary Injunctive orders be and are hereby issued restraining the 1st Interested Party, from purporting to act and or discharge of duties as speaker of the 1st Respondent.

5. THAT mention on 24th February 2025.

GIVEN under my HAND and SEAL of this Honourable Court on this 6th day of February 2025.
HON. W. A. OKWANY
JUDGE
NYAMIRA HIGH COURT

GIVEN under my hand and Seal of this Court on 2025-02-10 15:41:00

SIGNED BY: HON. JUMAR B. ACHIENG -R.M (DEPUTY REGISTRAR)



THE JUDICIARY OF KENYA.
NYAMIRA HIGH COURT
HIGH COURT CIVIL
DATE: 2025-02-10 14:29:12+03

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYAMIRA
PETITION NO. E001 OF 2025**

IN THE MATTER OF: -

ARTICLES: 1(1), 3, 10, 22, 23, 27, 28, 41(1), 47, 48, 50, 124, 159, 165, 178(1), 178(3),
194(1) AND 258 OF THE CONSTITUTION OF KENYA, 2010;

AND

SECTION: 14 OF THE POLITICAL PARTIES ACT CAP. 7D LAWS OF KENYA

AND

SECTIONS: 19 & 21 OF THE ELECTIONS ACT CAP. 7 LAWS OF KENYA

AND

SECTIONS: 9A AND 14 OF THE COUNTY GOVERNMENTS ACT CAP 265 LAWS
OF KENYA

AND

STANDING ORDERS NO. 3, 4, 5, 6, 7, 9, 12 AND 13 OF THE NYAMIRA COUNTY
ASSEMBLY STANDING ORDERS

AND

ILLEGAL, UNLAWFUL, AND UNCONSTITUTIONAL ELECTION OF A SPEAKER
IN THE NYAMIRA COUNTY ASSEMBLY

~ BETWEEN ~

EDWIN ONCHOKO.....PETITIONER

'VERSUS'

NYAMIRA COUNTY ASSEMBLY.....1ST RESPONDENT

DUKE ONYARI.....2ND RESPONDENT

AND

THADDEUS NYABARO.....1ST INTERESTED PARTY

THE INDEPENDENT ELECTORAL

AND BOUNDARIES COMMISSION.....2ND INTERESTED PARTY

NOTICE OF MOTION

(Pursuant to Sections 1a, 3, 3a, And 63 of The Civil Procedure Act (Cap. 21 – Laws Of Kenya), Order 40 Rule 2(2) And Order 51 Rule 1 Of The Civil Procedure Rules, 2010, Rules 19 And 23 of The Constitution Of Kenya (Protection Of Rights And Fundamental Freedoms) Practice And Procedure Rules, Articles 23 And 159(2) of The Constitution of Kenya, 2010)

TAKE NOTICE that this Honorable Court shall be moved on the dav of2025 at 9.00 O’CLOCK in the forenoon or so soon it may be called for hearing of an application by counsel for the applicant f



1. **THAT**, the instant application be certified as urgent and the same be first instance and service be dispensed with.



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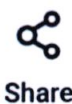
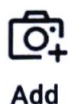
TAKE NOTICE that this Honorable Court shall be moved on the day of2025 at **9.00 O'CLOCK** in the forenoon or so soon thereafter as the matter may be called for hearing of an application by counsel for the applicant for **ORDERS THAT:-**

1. **THAT**, the instant application be certified as urgent and the same be heard *ex parte* in the first instance and service be dispensed with.
2. **THAT**, pending the inter partes hearing and determination of the instant Application, the Honourable Court be pleased to issue conservatory order staying the effect and implementation including gazetting of the purported election of the 1st interested Party as Speaker of the 1st Respondent.
3. **THAT**, Pending the hearing and determination of the application herein, the Honourable Court be pleased to, issue interim temporary injunctive orders restraining the 1st Interested Party, from purporting to act and or discharge of duties as speaker of the 1st Respondent;
4. **THAT**, pending the inter partes hearing and determination of the instant Petition, the Honourable Court be pleased to issue conservatory order staying the effect and implementation including gazetting of the purported election of the 1st interested Party as Speaker of the 1st Respondent.
5. **THAT**, Pending the hearing and determination of the Petition herein, the Honourable Court be pleased to, issue interim temporary injunctive orders restraining the 1st Interested Party, from purporting to act and or discharge of duties as speaker of the 1st Respondent;
6. **THAT**, the Honourable Court be pleased issue such other Orders as are just and expedient to preserve the substratum of and secure the ultimate just determination of the instant application and petition;
7. Costs of this Application be borne by the Respondents;

WHICH APPLICATION is based on the annexed affidavit of the Petitioner/Applicant) **EDWIN NYARIBO ONCHOKO**, filed herewith and upon such other grounds as shall be adduced at the hearing hereof;

1. **THAT**, on 19th December 2024, the Respondent unlawfully proceeded to elect and swear in the 1st Interested Party as Speaker of the 1st Respondent in a manner that is unconstitutional and in direct disregard of multiple electoral laws relating to the election of a Speaker of County Assembly including the Nyamira County Assembly Standing Orders.
2. **THAT**, it is deeply concerning and wholly objectionable that the Respondents proceeded with this process in flagrant disregard of the law, as outlined below;
 - a) **There was no vacancy in the office of the Speaker**

- b) **The 1st Interested Party was not qualified to contest for th pursuant to the provisions of Article 178 (1)**
- c) **The 2nd Respondent was bereft of presiding over the c. elections having already been suspended from office.**



OFFICE OF THE CONTROLLER OF BUDGET



REPUBLIC OF KENYA

Bima House, 12th Floor
Harambee Avenue
P.O Box 35616-00100
Nairobi, Kenya



Tel: 020 2211068/66/56/51, 0709910000,
0716274922, 0738466721
Website: www.cob.go.ke
Email: cob@cob.go.ke/info@cob.go.ke

Ref: COB/NYA/002/3/1(18)

10th December, 2024

Mr. Duke S. Onyari
Ag. Clerk
County Assembly of Nyamira
NYAMIRA

Dear Mr Onyari,

RE: LEADERSHIP DISPUTES AND OPERATIONS OF THE COUNTY ASSEMBLY OF NYAMIRA

Reference is made to the above and the various correspondences submitted to this office (*copies of the letters are herewith attached*) regarding the ongoing disputes and leadership changes within the County Assembly of Nyamira.

Following a review of the provided documentation, including court order, Gazette Notices, and Minutes of a meeting held on 26th October, 2024, the following observations and recommendations are made:

- a. The impeachment of Hon. Enock Ogori Okero on 24th October 2024 appears to have been conducted contrary to the court order issued on 11th October 2024 in Petition No. **HCCHRPET E008/2024**. This raises concerns about the validity of subsequent actions, including the gazettelement of new Board members and administrative appointments.
- b. It is imperative that all actions taken in defiance of the court order are reviewed and, where necessary, rectified to avoid contempt proceedings.
- c. Two conflicting sets of leadership appointments for the County Assembly Service Board (CASB) have been noted:
 - Gazette Notice No. 13376, dated 9th October 2024, appointing Hon. Thaddeus Nyabaro as Chairperson and Mr. Duke Onyari as Secretary.

Promoting Prudent Utilization of Public Funds

- Gazette Notice No. 14230, dated 26th October 2024, appointing Mr. Sylvanus Ndemo Nyamora as Acting Clerk following the suspension of Mr. Duke Onyari.
- This discrepancy must be resolved to establish the lawful officers authorized to conduct Assembly operations.

To resolve these matters and restore order within the County Assembly, the following actions are recommended:

- a. Clarify how the leadership structure reflected in Gazette Notice No. 13376 dated 9th October 2024 was established.
- b. Ensure immediate compliance with the court order issued on 11th October 2024 to mitigate legal risks.
- c. Confirm the validity of appointments and actions taken post-24th October 2024 through appropriate legal channels.

In the meantime, the Controller of Budget will continue to discharge its mandate in accordance with the law. Any further action regarding this matter will depend on the provision of sufficient legal or procedural justification.

Yours Sincerely,



FCPA Dr. Margaret Nyakang'o, CBS
CONTROLLER OF BUDGET

Copy to: County Assemblies Forum
NAIROBI

Hon. Enock O. Okero
County Assembly Service Board
NYAMIRA

Annex B6

THE COMMISSION ON ADMINISTRATIVE JUSTICE
(Office of the Ombudsman)



Hata Mnyonge ana Haki

OUR REF: CAJ/MDA/13/ 1/25 (18)

11th March, 2025

Hon. Thaddeus Nyabaro
Nyamira County Assembly
P.O. Box 590-40500

NYAMIRA

Dear Hon. Nyabaro,

RE: REQUEST FOR A COURTESY CALL FOR THE COMMISSION'S NEWLY APPOINTED COMMISSIONERS

Receive warm compliments from the Commission on Administrative Justice (Office of the Ombudsman).

Reference is made to the Commission's letter dated 24th February, 2025 in which we had sought for a courtesy call with the Speaker of the Nyamira County Assembly. We have since realized that there exists a court order issued in Nyamira **HCCHRPET/E001 OF 2025 Edwin Ochoko Vs Independent Electoral and Boundaries Commission and Nyamira County Assembly** in which the court recognized the Hon. Enock Okero as the Speaker of Nyamira County Assembly (copy enclosed).

Consequently, The Commission shall pay a courtesy call to the Hon. Enock Okero.

We apologize for any inconvenience caused and assure you of our highest regards.

Yours sincerely,

MERCY K. WAMBUA, OGW
COMMISSION SECRETARY/CEO



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI CITY

COURT NAME: MILIMANI LAW COURTS

CASE NUMBER: HCCC/E050/2025

CITATION: COUNTY ASSEMBLY OF NYAMIRA VS CENTRAL BANK OF KENYA

ORDERS(COURT DOCUMENT)

BEFORE HON. JUSTICE LINUS P. KASSAN

THIS MATTER coming up on 20th March,2025 for Mention to sort out the issue of representations before Honourable Mr. Justice P. KASSAN **AND UPON HEARING** the Counsel for the Plaintiff, Counsel for the Defendant and Counsel for the Interested Party;

IT IS HEREBY ORDERED:

1. **THAT** this Court shall vacate its orders on status quo to avoid conflict of orders and embarrassment of Court orders.
2. **THAT** parties are hereby directed to file submissions on who is the correct representative of the Plaintiff before further orders of this court.
3. **THAT** Mention on 8th April,2025.

GIVEN under my hand and seal of the Honourable court this 20th Day of March,2025.

Penal Notice: Take notice that any disobedience or non-observance of the order of the court served herewith will result in penal consequences to you and any other person(s) disobeying and not observing the same

GIVEN under my hand and Seal of this Court on 2025-03-20 00:00:00

SIGNED BY: HON. LAWRENCE OMUTUKU OSOTSI (DEPUTY REGISTRAR)





REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. E004 OF 2025

**NYAMIRA COUNTY ASSEMBLY SERVICE BOARD----PETITIONER/APPLICANT
 =VRS=**

**CENTRAL BANK OF KENYA-----1ST RESPONDENT
 THE DIRECTOR BANKING SERVICES**

**CENTRAL BANK OF KENYA-----2ND RESPONDENT
 THE PRINCIPAL SECRETARY**

**STATE DEPARTMENT FOR PUBLIC SERVICE-----3RD RESPONDENT
 THE HONOURABLE ATTORNEY GENERAL-----4TH RESPONDENT**

ORDER

This matter coming up mention for directions/orders on application dated 11/03/2025 before **Hon. Lady Justice W. A. Okwany** in the presence of counsel for the Petitioner and in the absence of the Respondents **AND UPON** consideration of the Affidavit of Service dated 12/03/2025 indicating that the Respondents were duly served **AND UPON** perusal of the said Application;

IT IS HEREBY ORDERED AS FOLLOWS: -

1. **THAT**, pending the hearing and determination of the application herein, the Petitioner/Applicant's Ag. Clerk **Mr. Silvanus Ndemo Nyamora** be and is hereby granted partial access to the Nyamira County Assembly Bank Accounts being Account No. 1000239751, 1000326905 and 1000343559 with the 1st and 2nd Respondents to enable payment of salaries for MCAs, Members of Staff and Ward office staff; KRA Tax, Statutory deductions and payment of essential service providers to avert imminent collapse and closure of the operations and affairs of the Nyamira County Assembly.
2. **THAT**, pending the hearing and determination of the application herein, the Petitioner/Applicant's Ag. Clerk **Mr. Silvanus Ndemo Nyamora** be and is hereby allowed in the interim to introduce other Signatories, authorizer and endorser's Level to the Nyamira County Assembly Bank Accounts being Account No. 1000239751, 1000326905 and 1000343559 to the 1st and 2nd Respondents to enable payment of salaries for MCAs, Members of Staff, Ward Office Staff, KRA Tax, statutory deductions and payments of essential service providers to avert imminent collapse and closure of the operations and affairs of the Nyamira County Assembly.

3. **THAT**, the pending the hearing and determination of the application herein, the Petitioner/Applicant's administrative rights held by the 3rd Respondent be handed over to **Mr. Silvanus Ndemo Nyamora** the Ag. Clerk in the interim to enable authentication of the payroll and subsequent payment of salaries for MCAs, Members of Staff, Ward Office Staff, KRA Tax, statutory deductions to avert imminent collapse and closure of the operations and affairs of the Nyamira County Assembly.
4. **THAT** mention on 7th April 2025.

GIVEN under my HAND and SEAL of this Honourable Court on this 13th day of March 2025.

**HON. W. A. OKWANY
JUDGE
NYAMIRA HIGH COURT**

ISSUED, DATED and SIGNED this 13th day of March 2025.



[Handwritten signature]
DEPUTY REGISTRAR
NYAMIRA HIGH COURT

NYAMIRA HIGH COURT
DEPUTY REGISTRAR
Date: Sign:

PENAL NOTICE: *This is a lawful order, if any party duly served, fails to comply he / she shall be cited with court contempt and shall therefore be liable for imprisonment for a term not exceeding 6 (six) months.*

SPECIAL ISSUE**THE KENYA GAZETTE**

Published by Authority of the Republic of Kenya

(Registered as a Newspaper at the G.P.O.)

Vol. CXXVI—No. 187

NAIROBI, 31st October, 2024

Price Sh. 60

GAZETTE NOTICE No. 14273

**THE CONSTITUTION OF KENYA
THE COUNTY GOVERNMENTS ACT**

(No. 17 of 2012)

THE COUNTY ASSEMBLY SERVICES ACT

(No. 24 of 2017)

COUNTY ASSEMBLY OF NYAMIRA

NYAMIRA COUNTY ASSEMBLY SERVICE BOARD

APPOINTMENT

PURSUANT to section 12 (1)–(4) of the County Governments Act as read together with section 21 of the County Assembly Services Act, having changed the Acting Clerk effective the 28th October, 2024, the membership of the Nyamira County Assembly Service Board is as follows—

Enock Ogori Okero – *Chairperson*
Joel Ombongi Nyang'au – *Vice-Chairperson*
Lameck Sikweya Onyancha – *Member*
Leonard Okari Mogaru – *Member*
Edith Nyaboke Omari – *Member*
Silvanus Ndemo Nyamora – *Secretary*

Dated the 30th October, 2024.

ENOCK OKERO,
Chairperson, County Assembly Service Board.

Gazette Notice No. 13376 of 2024 and Gazette Notice No. 14017 of 2022 are revoked.

GAZETTE NOTICE No. 14274

**THE CONSTITUTION OF KENYA
THE COUNTY GOVERNMENTS ACT**

(No. 17 of 2012)

THE COUNTY ASSEMBLIES POWERS AND PRIVILEGES ACT

(No. 6 of 2017)

COUNTY ASSEMBLY OF ISIOLO

**SITTING OF THE COUNTY ASSEMBLY OUTSIDE ITS REGULAR
LOCATION OF SITTING (BUNGE MASHINANI)**

PURSUANT to the provision of Article 196 (1) of the Constitution of Kenya, sections 7B (2), 87, 91 (g), 98 (1) and 99 of the County Governments Act, 2012 and Part II section 3 (2) of the County Assemblies Powers and Privileges Act, it is notified for the information of Members of the County Assembly and the general public, that the Assembly shall hold its sittings dubbed Bunge Mashinani from the 5th to 8th November, 2024, in Sericho Town, Sericho Ward.

MOHAMED ROBA KOTO,
Speaker, County Assembly of Isiolo.

Annex 14a

Nyamira County - Assemblys
Pay Slip (Dec-2024)

PF-Num: 20130009595 **Hon. Momanyi, Thadeus Nyabaro**
 Station: Headquarters - Nyamira
 Incr: DEC RoD: 2027-08-10
 Desig: **Speaker - County Assembly - AY - A05A7**
 ID-Num: 23085087 Tax-PIN: A003873939H - 42 Yrs (Cont)
 Family Bank - Nyamira

Basic Salary	322,202.00
Rental House Allowance	80,000.00
Responsibility Allowance	26,000.00
Commuter Allowance (Arrears)	30,167.00
Administrative Allowance (Arrears)	96,000.00
Telephone Allowance	10,000.00
Sitting Allowance (Arrears)	80,600.00
Salary Market Adjustment	134,801.00
TOTAL Earnings	779,770.00
Bank Loan/Credit Recovery - Family Bank (1,109,405.00)	-48,235.00
Public Service Car Loan -	-45,028.00
Public Service Mortgage -	-63,903.00
NSSF Auto (1,080.00)	-1,080.00
PAYE Auto (2,400.00)	-232,957.60
SHIF Auto	-21,443.65
Housing Levy Fund (11,696.55)	-11,696.55
Pension[Voluntary Added]	-60,000.00
TOTAL Deductions	(484,343.80)
NET Pay: Dec-2024	295,426.20

THE COUNTY ASSEMBLY OF NYAMIRA

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County Assembly Buildings
P.O. Box 540-4/500
Nyamira, Kenya

OFFICE OF THE CLERK

When replying please quote our reference

Our Ref: CAN/CLK/HRM/PAYROLL/2024/11(2) Date: 26th NOVEMBER 2024

THE PAYROLL MANAGER
COUNTY ASSEMBLY OF NYAMIRA

THRO'
THE DIRECTOR - HUMAN RESOURCE MANAGEMENT
COUNTY ASSEMBLY OF NYAMIRA

RE: SALARY STOPPAGE

The above matter refers.

The County Assembly Service Board resolved, vide Minute No. 02/EVE/CASB/2024/11/26, to effect Salary stoppage for the following officers with effect from November 2024:

1. Silvanus Ndemo Nyamora - Library Services
2. Winnie Kerubo Onguso - Monitoring and Evaluation
3. Wilfred Onkoba Abuga - Procedure and Committee Services
4. Daudi Nyantika Kengere - Procedure and Committee Services

Sincerely,


DUKE S. ONYARI
THE AG. CLERK
COUNTY ASSEMBLY OF NYAMIRA.

26 NOV 2024

THE COUNTY ASSEMBLY OF NYAMIRA

ES Info@nyamiraassembly.go.ke
TEL: 011-254-590-40500



County Assembly Buildings
P.O. Box 590-40500
Nyamira, Kenya

OFFICE OF THE CLERK

When replying please quote our reference

Our Ref: CAN/CLK/HRM/PAYROLL/2024/11(1) Date: 14th NOVEMBER 2024

THE PAYROLL MANAGER
COUNTY ASSEMBLY OF NYAMIRA

THRO'
THE DIRECTOR - HUMAN RESOURCE MANAGEMENT
COUNTY ASSEMBLY OF NYAMIRA

RE: SALARY STOPPAGE

The above matter refers.

The County Assembly Service Board resolved, vide Minute No. 02/AFT/CASB/2024/11/9, to effect a Salary stoppage with effect from November 2024 for the former Speaker; and his attendants, namely:

1. Enock O. Okero
2. Edward Nyangoka - Personal Assistant
3. Nickson Omari - Personal Secretary
4. Samuel Mokaya - Driver
5. Everline Onsongo - Cook
6. Elkana Okero - Messenger
7. Enock Atuke - Gardener

Sincerely,


DUKE S. ONYARI
THE AG. CLERK
COUNTY ASSEMBLY OF NYAMIRA.



Annex 14

THE COUNTY ASSEMBLY OF NYAMIRA

info@nyamiracounty.go.ke
www.nyamiracounty.go.ke



County Assembly Building
P.O. Box 246-0104
Nyamira, Kenya

OFFICE OF THE CLERK

When replying please quote our reference

Our Ref: CAN/CLK/HRM/PAYROLL/2024/12(2) Date: 19TH DECEMBER 2024

THE PAYROLL MANAGER
COUNTY ASSEMBLY OF NYAMIRA

THRO'
THE DIRECTOR - HUMAN RESOURCE MANAGEMENT
COUNTY ASSEMBLY OF NYAMIRA

RE: HOUSE RESOLUTIONS

The above matter refers.

The County Assembly, in its morning sitting of 19th December 2024, elected a new Speaker and Deputy Speaker of the County Assembly as follows:

S. No.	NAME	Position
1.	Hon. Thaddeus Nyabaro Momanyi	Speaker
2.	Hon. James Nyachaki Mating'a	Deputy Speaker

Kindly effect the changes in the payroll accordingly

Sincerely,

DUKE S. ONYARI
THE CLERK
COUNTY ASSEMBLY OF NYAMIRA.



THE COUNTY ASSEMBLY OF NYAMIRA

info@nyamiraassembly.go.ke
www.nyamiraassembly.go.ke



County Assembly Building
P.O. Box 590-40101
Nyamira, Kenya

OFFICE OF THE CLERK

When replying please quote our reference

Our Ref: CAN/CLK/HRM/PAYROLL/2024/12(1) Date: 2nd DECEMBER 2024

THE PAYROLL MANAGER
COUNTY ASSEMBLY OF NYAMIRA

THRO'
THE DIRECTOR – HUMAN RESOURCE MANAGEMENT
COUNTY ASSEMBLY OF NYAMIRA

RE: SALARY STOPPAGE

The above matter refers.

The County Assembly Service Board resolved, vide Min 02/CASB/2024/12/02, that you effect a Salary stoppage with effect from 1st December 2024 for the former External Members of the County Assembly Service Board, namely:

1. Mr. Leonard Okari Mogaru of PF. No: 20170124268
2. Ms. Edith Nyaboke Omari of PF. No: 19920016306

Sincerely,


DUKE S. ONYARI
THE AG. CLERK
COUNTY ASSEMBLY OF NYAMIRA.

THE COUNTY ASSEMBLY OF NYAMIRA

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 🌐 www.nyamiraassembly.go.ke



📍 County Assembly Buildings
 P.O. Box 590-40500
 Nyamira, Kenya

OFFICE OF THE CLERK

When replying please quote our reference

Our Ref: CAN/CASB/HRM/STAFF/2025/03(5)

Date: 14th MARCH 2025

SILVANUS NDEMO NYAMORA
(PF. NO. 2011011878)

RE: DISMISSAL

The above matter refers.

The County Assembly Services Act, 2017 [Revised 2022] mandates the County Assembly Service Board to exercise disciplinary control over the officers of the Service.

On 13th November 2024, you were served with a Show Cause Letter Ref: CAN/CLK/HRM/STAFF/2024/11(3) detailing your misconduct and requiring you to explain in writing as to why disciplinary action cannot be taken against you in light of your conduct as follows:

1. You **participated and or involved yourself in partisan politics** by accepting instructions from and taking up a purported appointment by a *persona non-grata* who was removed from office by impeachment, facts which are within your knowledge. This is contrary to Section 5(c) of the County Assembly Services Act, 2017 [Revised 2022] which requires officers of the County Assembly Service to have regard to the principles of **political neutrality**.
2. On 7th November 2024 you **disobeyed a directive** issued by the Ag. Clerk through a Memo that directed all staff to be at work including those on various leaves.
3. Between 28th October 2024 and 19th November 2024, you **deserted duty and absented yourself from work** without proper authorization as required by the County Assembly Human Resource Policies Manual;

Additionally:

4. You refused to hand over from your previous post as Hansard Editor as per your redeployment Letter Ref. No. CAN/CASB/CLK/STAFF/2024/NOV(1) dated 11th November 2024.
5. Gross Misconduct: You have severally impersonated the office of the Clerk of the County Assembly of Nyamira and the County Assembly Service Board. With reckless abandon, you caused the circulation of misleading

Sent Via
 ① whatsapp : 0722392510
 ② Email : snyamora@gmail.com



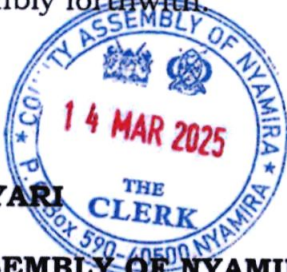
communications to various organs of the state and financial institutions. Your actions have frustrated the operations of the County Assembly.

6. You have blatantly ignored and/or refused to heed to the Board's call for an explanation from you on why disciplinary action cannot be taken against you.

Consequently, the County Assembly Service Board, vide Minute No.CASB/2025/02/05, resolved that you be and are hereby dismissed from the County Assembly Service effective the 5th of February 2025.

As a matter of urgency, you are legally required to hand over all office equipment, gadgets, records and/or vital information in your custody to the Clerk of the County Assembly forthwith.


DUKE S. ONYARI
THE CLERK
COUNTY ASSEMBLY OF NYAMIRA.

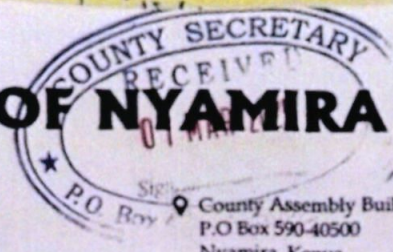


Copy To: Director, Human Resource and Administration

Annex 14d

THE COUNTY ASSEMBLY OF NYAMIRA

info@nyamiraassembly.go.ke
www.nyamiraassembly.go.ke



OFFICE OF THE CLERK

When replying please quote our reference

Our Ref: CAN/CLK/ECM/2025/03(3)

Date: 6TH MARCH 2025

**THE COUNTY SECRETARY & HEAD OF COUNTY PUBLIC SERVICE
COUNTY GOVERNMENT OF NYAMIRA**

Dear Sir,

**RE: NOTICE TO VACATE THE OFFICES IN THE PRECINCTS OF THE
COUNTY ASSEMBLY**

The above matter refers.

You are hereby notified that the County Assembly intends to use the offices currently occupied by the executive departments of Education and ICT, Health Services, Environment, Energy Water and Natural Resources, and Gender, Youth, Sports, Culture and Social Services. By this letter, we are terminating your tenancy with immediate effect.

You are required to vacate the premises by close of business on **Friday, 7th March, 2025**, failure to which the County Assembly assumes occupancy without further reference to the Executive.

Sincerely,

DUKE S. ONYARI
THE CLERK
COUNTY ASSEMBLY OF NYAMIRA



THE COUNTY ASSEMBLY OF NYAMIRA

✉ info@nyamiraassembly.go.ke
🌐 www.nyamiraassembly.go.ke



📍 County Assembly Building
P.O. Box 590-1000
Nyamira, Kenya

COUNTY ASSEMBLY SERVICE BOARD

When replying please quote our Reference

REF: CAN/CASB/STAFF/JAN/RES/1

DATE: 28th JANUARY, 2025

MR. DAVID NYARANGO OMBEGO

(PF. NO: 20130047773)

P.O. BOX 590 – 40500, NYAMIRA

Dear *Mr. Ombego*.

RE: PROMOTION TO DEPUTY CLERK

The County Assembly Services Act, 2017 mandates the County Assembly Service Board to determine and review the terms and conditions of service of persons holding or acting in the offices of the Service, among other functions.

The County Assembly Service Board reviewed your terms and conditions of service to the County Assembly to maximize your potential and improve service delivery so as to promote the ideals espoused by the County Assembly.

In light of the above, the County Assembly Service Board resolved, Vide Minute No 02/CASB/2025/01/24 to re-designate you and promote you to the position of Deputy Clerk of the County Assembly of Nyamira *with effect from 3rd February 2025.*

You shall be entitled to a Special Salary of Kshs.15,000 p.m to compensate for the extra responsibilities. Your Basic Pay and Other Allowances shall remain the same subject to periodic reviews by the Salaries and Remuneration Commission.

Your duties and responsibilities will be as follows:

- 1) Deputizing the Clerk of the County Assembly;
- 2) General supervision of the following Directorates; Legal Services; Legislative Procedure & Committee Services; Library and Research & Communication Services
- 3) Coordination of programs for enhancing public understanding and knowledge of the work of the Assembly, increasing public accessibility, awareness and its operations;

- 4) Coordinating the drafting and review of Bills to be submitted to the County Assembly;
- 5) Promotes staff compliance with national values, (Art.10 CoK, Values and Principles of Public Service (Art. 232 CoK), Principles of leadership and integrity, POE 2003;
- 6) Rendering of expert, non-partisan and impartial advice to the Speaker, Members of County Assembly and Committees on the legislative process and parliamentary procedures, practices, conventions and traditions;
- 7) Coordinates production of new information through researching, drafting and development of policy and procedures documents in general and specifically the Standing Orders for County Assembly.
- 8) Any other duty or responsibility as may be assigned by the Clerk of County Assembly.

The County Assembly Service Board congratulates you on your re-designation/promotion in rank. Kindly signify your acceptance of this offer by signing and returning a copy of this letter thereof.

Sincerely,




DUKE S. ONYARI
THE CLERK / SECRETARY - COUNTY ASSEMBLY SERVICE BOARD
COUNTY ASSEMBLY OF NYAMIRA

Copy To: Director, Human Resource Management & Development

THE COUNTY ASSEMBLY OF NYAMIRA

Info@nyamirassembly.go.ke
www.nyamirassembly.go.ke



REPUBLIC OF KENYA



County Assembly Buildings
P.O Box 590-40500
Nyamira, Kenya

COUNTY ASSEMBLY SERVICE BOARD

When replying please quote our Reference

REF: CAN/CASB/STAFF/JAN/RES/3

DATE: 28th JANUARY, 2025

MR. LEONARD KEVIN NYAMASEGE

(PF. NO: 20130047808)

P.O BOX 590 – 40500, NYAMIRA

Dear *Mr. Nyamasege*,

RE: PROMOTION TO DEPUTY CLERK

The County Assembly Services Act, 2017 mandates the County Assembly Service Board to determine and review the terms and conditions of service of persons holding or acting in the offices of the Service, among other functions.

The County Assembly Service Board reviewed your terms and conditions of service to the County Assembly to maximize your potential and improve service delivery so as to promote the ideals espoused by the County Assembly.

In light of the above, the County Assembly Service Board resolved, Vide Minute No 02/CASB/2025/01/24 to re-designate you and promote you to the position of **Deputy Clerk of the County Assembly of Nyamira with effect from 3rd February 2025.**

You shall be entitled to a Special Salary of Kshs.15,000 p.m to compensate for the extra responsibilities. Your Basic Pay and Other Allowances shall remain the same subject to *periodic reviews by the Salaries and Remuneration Commission.

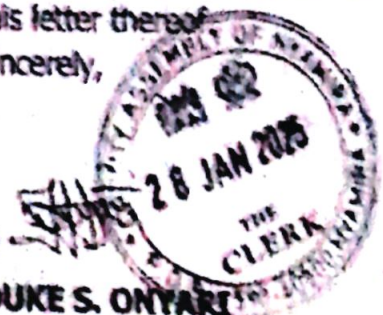
Your duties and responsibilities will be as follows:

- 1) Deputizing the Clerk of the County Assembly;
- 2) Supervise the following Directorates: Finance, Accounts, Budget and Internal Audit; Monitoring & Evaluation; and Supply Chain Management
- 3) Oversee the implementation of the County Assembly's strategic plan and annual work plans to ensure the progressive realization of the County Assembly objectives to enhance service delivery; 99

- 4) Supervise the management of County Assembly resources to enhance accountability, transparency and prudent utilization of allocated resources in accordance with PFM Act, 2012;
- 5) Promote staff compliance with national values, (Art.10 CoK, Values and Principles of Public Service (Art. 232 CoK), Principles of leadership and integrity, Public Officer Ethics Act 2003;
- 6) Coordinate the development and implementation of the County Assembly Annual Plans and budget;
- 7) Deputize the Accounting/Authorized Officer of a County Assembly in monitoring, evaluating and overseeing the management of the County Assembly public finances;
- 8) Alternate financial approver/A.I.E Holder;
- 9) Oversee the preparations and implementation of County Assembly annual budget;
- 10) Promote adherence to PFM Act 2012 on utilization of the Resources allocated to the Assembly;
- 11) Coordinate preparation and implementation of the annual procurement plan;
- 12) Any other duty or responsibility as may be assigned by the Clerk of County Assembly.

The County Assembly Service Board congratulates you on your re-designation/promotion in rank. Kindly signify your acceptance of this offer by signing and returning a copy of this letter thereof.

Sincerely,



DUKE S. ONYARI
THE CLERK /SECRETARY - COUNTY ASSEMBLY SERVICE BOARD
COUNTY ASSEMBLY OF NYANIRA

Copy To: Director, Human Resource Management & Development

THE COUNTY ASSEMBLY OF NYAMIRA

✉ info@nyamiraassembly.go.ke
🌐 www.nyamiraassembly.go.ke



📍 County Assembly Buildings
P.O Box 590-40500
Nyamira, Kenya

COUNTY ASSEMBLY SERVICE BOARD

When replying please quote our Reference

REF: CAN/CASB/STAFF/JAN/RES/2

DATE: 28th JANUARY, 2025

MR. ELIJAH OMWOYO OKEMWA

(PF. NO: 20160006128)

P.O BOX 590 – 40500, NYAMIRA

Dear *Mr. Okemwa*,

RE: PROMOTION TO DEPUTY CLERK

The County Assembly Services Act, 2017 mandates the County Assembly Service Board to determine and review the terms and conditions of service of persons holding or acting in the offices of the Service, among other functions.

The County Assembly Service Board reviewed your terms and conditions of service to the County Assembly to maximize your potential and Improve service delivery so as to promote the ideals espoused by the County Assembly.

In light of the above, the County Assembly Service Board resolved, Vide Minute No 02/CASB/2025/01/24 to re-designate you and promote you to the position of **Deputy Clerk of the County Assembly of Nyamira with effect from 3rd February 2025.**

You shall be entitled to a Special Salary of Kshs.15,000 p.m to compensate for the extra responsibilities. Your Basic Pay and Other Allowances shall remain the same subject to the periodic reviews by the Salaries and Remuneration Commission.

Your duties and responsibilities will be as follows:

- 1) Deputizing the Clerk of the County Assembly;
- 2) General supervision of the following Directorates: Administration Services; and Human Resource Management & Development;
- 3) Coordinate the implementation of policies for achieving strategic administrative functioning of the Assembly;
- 4) Coordination of external relations including international relations, inter-parliamentary relations, conferences and protocol affairs;

Page 1 of 2

- 5) Promote staff compliance with national values, (Art.10 CoK, Values and Principles of Public Service (Art. 232 CoK), Principles of leadership and integrity, POE 2003;
- 6) Coordinate all human resource, employee relations, equal opportunity employment function of the County Assembly;
- 7) Oversee all administrative functions as well as facilities to ensure consistent operations in the County Assembly;
- 8) Advise and direct or responsibility as may be assigned by the Clerk of County Assembly;

The County Assembly Service Board congratulates you on your re-designation/promotion and hereby signify your acceptance of this offer by signing and returning a copy of this letter directly to:

SECRETARY
 COUNTY ASSEMBLY
 P.O. BOX 100
 NAKURU
 28 JAN 2025

DUNIS O MWANGI
 THE CLERK / SECRETARY - COUNTY ASSEMBLY SERVICE BOARD
 COUNTY ASSEMBLY OF NYAMIRA

Copy To: Director, Human Resource Management & Development

JUDICIAL SERVICE COMMISSION
24 FEB 2025
SIGNED Sylvia 10:32 AM

Annex 14 F



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF NYAMIRA
THE COUNTY ASSEMBLY
OFFICE OF THE CLERK



P.O Box 590-40500, Nyamira Website: www.nyamiraassembly.go.ke E-mail: info@nyamiraassembly.go.ke

THE JUDICIAL SERVICE COMMISSION,
P.O. BOX 40048-00100 NAIROBI,
KENYA CBK PENSION TOWERS 13TH FLOOR,
HARAMBEE AVENUE, NAIROBI CBD
Email: complaints@jsc.go.ke



**PETITION TO THE JUDICIAL SERVICE COMMISSION FOR REMOVAL FROM
OFFICE OF LADY JUSTICE WINFRIDA OKWANY - HIGH COURT JUDGE
NYAMIRA HIGH COURT**

**THE COUNTY ASSEMBLY OF NYAMIRA PETITIONER
VS
LADY JUSTICE WINFRIDAH OKWANYI.....RESPONDENT**

1. The Petitioner is the Legislative arm of the County Government of Nyamira established pursuant to Article 176 (1) of the Constitution of Kenya, 2010 and Sections 2, 6A and 7A (1) of the County Governments Act, 2012 (Rev.2020) whose address for the purpose of this Petition is P.O BOX 590 - 40500 Nyamira, E-mail: info@nyamiraassembly.go.ke, Website: www.nyamiraassembly.go.ke c/o Clerk to the County Assembly telephone No. 0724037120.
2. The Respondent is a High Court Judge appointed pursuant to the Constitution of Kenya 2010 Article 166 (1) (b), the Judicial Service Commission Act whose address for the purpose service of this Petition is High Court at Nyamira P.O Box 590-40500 Nyamira . Email: complaints@jsc.go.ke
3. Your Humble Petitioner brings up this Petition pursuant to Article 37 which provides that; *Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.*
4. **Article 1** of the Constitution of Kenya provides for sovereignty of the people of Kenya; 1.(1) All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.
 - (2) The people may exercise their sovereign power either directly or through their democratically elected representatives.
 - (3) Sovereign power under this Constitution is delegated to the following State organs, which shall perform their functions in accordance with this Constitution—

PETITION TO THE JUDICIAL SERVICE COMMISSION FOR REMOVAL FROM OFFICE OF LADY JUSTICE WINFRIDA OKWANY - HIGH COURT JUDGE NYAMIRA [Type here] [Type here]

- (a) Parliament and the legislative assemblies in the county governments;
 - (b) the national executive and the executive structures in the county governments; and (c) the Judiciary and independent tribunals.
 - (4) The sovereign power of the people is exercised at—
 - (a) the national level; and
 - (b) the county level.
5. **Article 248** of the Constitution provides for the Hon. Judicial Service Commission to *wit*:
248. (1) This Chapter applies to the commissions specified in clause (2) and the independent offices specified in clause (3), except to the extent that this Constitution provides otherwise.
- (2) The commissions are—
- (a) the Kenya National Human Rights and Equality Commission;
 - (b) the National Land Commission;
 - (c) the Independent Electoral and Boundaries Commission;
 - (d) the Parliamentary Service Commission;
 - (e) the Judicial Service Commission;**
 - (f) the Commission on Revenue Allocation;
 - (g) the Public Service Commission;
 - (h) the Salaries and Remuneration Commission;
 - (i) the Teachers Service Commission; and
 - (j) the National Police Service Commission.
- (3) The independent offices are—
- (a) the Auditor-General; and
 - (b) the Controller of Budget.
6. The objects and authority of the Commission are captured in Article 249 as hereunder:
249. (1) **The objects of the commissions and the independent offices are to—**
- (a) **protect the sovereignty of the people;**
 - (b) secure the observance by all State organs of democratic values and principles; and
 - (c) promote constitutionalism.
- (2) The commissions and the holders of independent offices—
- (a) are subject only to this Constitution and the law; and
 - (b) are independent and not subject to direction or control by any person or authority.
7. **Article 47** of the Constitution articulates on fair administrative action – that every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.
- That if a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action.



8. **Article 50** of the Constitution provides that every person has the right to have any dispute that can be resolved by the application of law decided in a fair and public hearing before a court or, if appropriate, another independent and impartial tribunal or body.
9. **Article 159** provides for Judicial authority and that Judicial authority is derived from the people and vests in, and shall be exercised by, the courts and tribunals established by or under this Constitution. That in exercising judicial authority, the courts and tribunals shall be guided by the following principles—
- justice shall be done to all, irrespective of status;
 - justice shall not be delayed;
 - alternative forms of dispute resolution including reconciliation.

Hon. JSC Members,

10. The Petition is brought before the Hon. Judicial Service Commission hereinafter "JSC" on the basis of the following grounds and particulars thereof;
- Violation of the Constitution
 - Incompetence

11. The Hon. Learned Judge, in presiding, handling and conducting **THE HIGH COURT OF KENYA AT NYAMIRA PETITION NO. E008 OF 2024 - ENOCK OKERO OGORI 'VERSUS' NYAMIRA COUNTY ASSEMBLY & 8 OTHERS** (Annex marked "CAN - 01") mismanaged and botched the matter to the detriment of the Respondents.

Hon. JSC Members,

CHRONOLOGY OF EVENTS

12. Hon. Enock Okero, the impeached Speaker of the County Assembly of Nyamira was suspended from office by the County Assembly of Nyamira on 8th October 2024.
13. On 10th October 2024 the impeached Speaker Hon. Speaker Enock Okero moved to Court challenging his suspension from office.
14. On 11th October 2024 the County Assembly of Nyamira issued a Gazette Notice No. 13376 appointing the Hon. Thaddeus Nyabaro (*Chairperson*), Duke Onyari (*Secretary*), Hon. Josiah Obegi Mang'era, Hon. Reuben Minda Riechi, Leonard Mogaru and Edith Omari as *Members* of the Nyamira County Assembly Service Board.
15. On 11th October 2024 the court issued orders and directed that the Application of Hon. Enock Okero be served on the Respondents for Mention on 14th October 2024, and that *prayers No. 2 and 3 (conservatory) of the said Application granted in order to preserve the substratum of the application (copy attached).*
16. On 13th October 2024 the Respondents filed a Preliminary Objection challenging Jurisdiction of the Court to hear the Hon. Enock Okero Petition/Application of 10th October 2024.

17. On 24th October 2024 at 10.15am the **Hon. Speaker Enock Okero** appeared before the **County Assembly** to respond to the allegations on his suspension. The doctrine of natural justice fair hearing was observed thereto (Art.47 and 50 of Constitution of Kenya).
18. On 24th October, 2024 Hon. Enock Ogori Okero, Speaker to the County Assembly of Nyamira was, removed from office by **Impeachment** by the County Assembly of Nyamira.
19. On 25th October 2024 a Gazette Notice No. 14050 was issued on the removal of the Speaker from office, declaring the position of the Speaker County Assembly of Nyamira Vacant (copy attached).
20. Vide Gazette Notice 14050 dated 25th October 2024 the County Assembly of Nyamira gazetted Thursday 31st October 2024 at 2.30pm for Special Sitting of the County Assembly for the election of the Speaker (copy attached).
21. On 25th October 2024 the Hon. Enock Ogori Okero wrote a letter purporting to suspend from office Mr. Duke Onyari then Ag. Clerk of the County Assembly (copy attached).
22. On 7th November 2024 the Hon. Enock Okero issued a Gazette Notice No. 14273 gazetting Enock Okero (*Chairperson*), Joel Ombongi (*Vice -Chairperson*), Lameck Sikweya, Leonard Mogaru, Edith Nyaboke Omari (*Members*) and Silvanus Nyamora as *Secretary* of the Nyamira County Assembly Service Board.
23. All these gazette notices by Hon. Enock Okero were done after his impeachment from office on 24th October 2024. The said Hon. Enock Okero did file Kisii Employment & Labour Relations Petition E001 of 2025 challenging his impeachment.
24. Despite the active case in Kisii by Hon. Enock Okero challenging his impeachment, Lady Justice Wilfrida Okwany has through various rulings insisted that Hon. Enock Okero is the Speaker of Nyamira County Assembly and that he can publish gazette notices despite his impeachment. See the ruling delivered on 30th January 2025 in Nyamira High Court Judicial Review Case No.E007 of 2024 County Assembly of Nyamira v Enock Okero where Justice Wilfrida Okwany vacated stay orders which had stayed 3 gazette Notices that had been illegally published by Enock Okero subsequent to his impeachment.
25. The Kisii and Kisumu Employment and Labour Relations Courts on the other hand have on numerous occasions rightfully declined to grant any conservatory orders in favour of Hon.Enock Okero as he stood impeached as from 24th October 2024. See Kisii Employment and Labour Relations Petition No. E001 of 2024 as well as Kisumu Employment and Labour Relations Petition No. E047 of 2024, E052 of 2024 and E001 of 2025 wherein in all these cases, the other Employment Court Judges have declined to grant any conservatory Orders in favour of Hon. Enock Okero.
26. Due to the absence of a Court order stopping the impeachment of Hon.Enock Okero, the Respondents proceeded to transact County Assembly business of impeaching Hon.Enock

Okero which prompted the Petitioner to file an Application of Contempt against the Respondents.

27. The back drop of the matter is that the Learned Judge ought to have handled and considered the Preliminary Objection on Jurisdiction by the Respondents before embarking on issuing Conservatory Orders on the Petitioner's Application.

COURT PROCEEDINGS

28. On 16th December 2024, the Learned Judge delivered two Rulings in the **THE HIGH COURT OF KENYA AT NYAMIRA PETITION NO. E008 OF 2024 - ENOCK OKERO OGORI 'VERSUS' NYAMIRA COUNTY ASSEMBLY & 8 OTHERS.**

29. On 16th December 2024 the Court delivered a Ruling on Contempt against the Contemnors pardoning all the 7 contemnors with a stern warning on the obedience and compliance of the court orders her interpretation and procedure notwithstanding.

30. On the Preliminary Objection by the Respondents, the Court found that it had no jurisdiction to handle the Petition and transferred the case to the Kisumu Employment and Labour Relations Court, again without vacating the Conservatory Orders instant.

31. It is an elementary matter of law that where a court returns a finding that it does not have jurisdiction, it should down its tools. A case filed in a wrong jurisdiction is a nullity ab initio. Its previous orders cease being in force. The Judge could not purport to transfer the case to Kisumu Employment Court on the basis that the Kisumu Employment Court was the correct forum.

32. The habit of transferring cases to the right courts was allowed for a limited period of time subsequent to the promulgation of the 2010 Constitution so as to enable litigants familiarize themselves with the new courts.

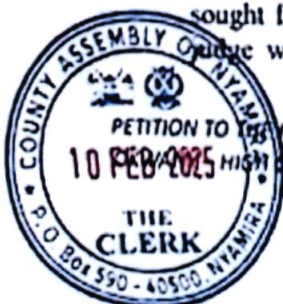
33. It is out rightly evident that Lady Justice Wilfrida Okwany is incompetent and unfit to continue holding the Office of a High Court Judge as she allowed the transfer of Nyamira High Court Petition E008 of 2024 instead of striking it out. This is an elementary matter in which any Judicial Officer ought to be conversant with.

NYAMIRA PETITION NO. E001 OF 2025 EDWIN ONCHOKO PETITIONER 'VERSUS' NYAMIRA COUNTY ASSEMBLY & 4 OTHERS;

34. In this particular case, the Petitioner filed his Petition together with a Notice of Motion Application under Certificate of Urgency on 21st January 2025. **No Conservatory Orders were issued ex parte.**

35. The Respondents filed a Notice of Preliminary Objection dated 22nd January 2025.

36. When the matter came up for directions on 23rd January 2025, the Respondents never sought for any conservatory orders. 23rd January 2025 was the second time the learned Judge was interacting with this file. **No Conservatory Orders were issued on 23rd**



JUDICIAL SERVICE COMMISSION FOR REMOVAL FROM OFFICE OF LADY JUSTICE WINFRIDA
HIGH COURT JUDGE NYAMIRA [Type here]

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January 2025. The Court directed the Preliminary Objection to be disposed off by way of written submissions. Highlighting of the submissions was slated for 29th January 2025

37. Parties highlighted submissions on 29th January 2025. This was the third time the Judge was interacting with this matter. No Conservatory Orders were issued on 29th January 2025.
38. Ruling was slated for 6th February 2025. On 6th February 2025, the court informed other litigants that the Court's diary was full. They were therefore issued with further mention dates in April 2025 when the Court diary would be open. However, for this particular case, the Judge was able to deliver its ruling in a record 8 days after parties highlighted their submissions. This clearly demonstrated that the Judge had an interest in this matter.
39. The Hon. Judge further demonstrated her partiality in this matter as she declined to grant the Respondents stay pending Appeal. Further, the Judge granted the Petitioner conservatory orders on the premise that she wanted to preserve the substratum of the Petition. One wonders: where did the need to preserve the petition arise on 6th February 2025 yet the Judge had not granted the same conservatory orders on 21st January 2025, 23rd January 2025 and 29th January 2025.
40. The effect of the conservatory orders issued on 6th February 2025 were that the newly elected Speaker Hon. Thaddeus Ndubi Nyabaro could not be gazetted neither could he assume the position of Speaker of Nyamira County Assembly. These orders have created a problematic situation at the Nyamira County Assembly as on one hand, Hon. Enock Okero was impeached on 24th October 2024 and on the other hand Hon. Thaddeus Ndubi Nyabaro is restrained from assuming the Office of Speaker Nyamira County Assembly.
41. In essence, the learned Judge through her orders of 6th February 2025 had made the office of the Speaker Nyamira County Assembly to be vacant.
42. This is a dangerous scenario that has been created by the learned Judge as there are time bound bills and motions to be passed at the Assembly. Some motions have to be presided over by a substantive Speaker.
43. Lady Justice Wilfrida Okwany's conduct of being biased in favour of the Petitioner is in breach of the Bangalore principles of judicial conduct in that it has portrayed the learned Judge as not being independent in her decision making process, being impartial, not treating parties appearing before her equally and not being competent and diligent.
44. Whereas we appreciate that a Judge in the discharge of her functions she should not be under the control and direction of any person, Lady Justice Wilfrida Okwany has demonstrated bias against the Nyamira County Assembly. There is no chance that she will rule fairly in any matter where the Nyamira County Assembly is a Party. This is further evidenced by the fact that she was quick to grant conservatory orders yet Nyamira High Court Petition No. E001 of 2025 Edwin Onchoko v Nyamira County Assembly did not have any annexures annexed to it.

45. The Learned Judge issued Orders that are detrimental to the public good by grounding the Assembly operations when she barred the Speaker from conducting his County Assembly roles and functions.

46. The Learned Judge issued Orders without considering the submissions of the Respondents therein.

Hon. JSC Members,

47. **NOTING THAT:** noting that the Learned Judge not only erred in her findings on the 2 cases, the deliberate and intent of exhibiting incompetence and bias that bungled up the 2 cases has befuddled and thrown the County Assembly of Nyamira into confusion;

48. **AWARE THAT:** the County Assembly of Nyamira is now operating in limbo and indeterminate state;

49. **FURTHER AWARE THAT:** that Judicial officers derive authority from the people and vests in, and shall be exercised by, the courts;

50. **WHEREAS:** the County Assembly of Nyamira is a constitutional and statutory institution of government with elected Members of the County Assembly and County Assembly Staff;

WHEREFORE: the County Assembly of Nyamira now prays for the immediate removal from office of Hon. Lady Justice Wilfrida Okwany as High Court Judge.

Signatures in support of the Petition

S/NO.	NAME	ID NUMBER	DESIGNATION	SIGN	DATE
1.	GEORGE ABUTA	13568464	MCA	[Signature]	09/02/25
2.	THOMAS BEMSON	9148286	MCA	[Signature]	09/02/25
3.	SAMUEL OGETO	3946925	MCA	[Signature]	09/02/25
4.	JANE NYAMBURA	24115534	S.A.A	[Signature]	10/2/25
5.	CHARLES KEGOR	165471	MCA	[Signature]	10/3/2025
6.	HEROLD NYINYI	22033113		[Signature]	09/02/25
7.	JULIUS MATWERE	305121	MCA	[Signature]	09/02/25
8.	DORU NYAMARA	24172197	MCA	[Signature]	09/02/25
9.	JOSEPHINE ATIGA	10467392	MCA	[Signature]	09/02/25
10.	DAVID NYABER	29222212	Admro	[Signature]	09/02/25
11.	MACHINGO MUGUNA	25566490	MCA	[Signature]	09/02/25
12.	PONIRAH KERAMA	24951624	Sp. Clerk Assistant	[Signature]	09/02/25
13.	FRANINE MURUGA	28315821	S.A.A	[Signature]	09/02/25
14.	ROBINSON MUSA	13568465	S.A.A	[Signature]	09/02/25
15.	JACKLIZA NYAMBURA	24672274	S.A.A	[Signature]	09/02/25
16.	GRACE NYAMARA	252678	LC Officer	[Signature]	12/03/2025

PETITION TO THE JUDICIAL SERVICE COMMISSION FOR REMOVAL FROM OFFICE OF LADY JUSTICE WILFRIDA OKWANY - HIGH COURT JUDGE NYAMIRA (Type here)



18.	Thomas Berman	7140200			
19.	Osoko Evans	27116633	HRM		
20.	George Maked	13090530	S.C.M	George	10/02/25
21.	DORIS MAMANGA	24172199	MCA	DORIS	10/02/25
22.	Dennis Kabalo	22042825	MCA	Dennis	10/02/25
23.	Wilbert Onyiko	28795380	HRM	Wilbert	09/02/25
24.	David Ombogo	10909001	Deputy Clerk.	David	10/02/2025
25.	Dula Makena	24704984	S.A.A	Dula	10/02/2025
26.	Michael Giceca	23834998	Director R, L&C	Michael	10/02/2025
27.	DANCE MAMANGA	24398026	MCA	DANCE	10/02/25
28.	DMWONG OMBONG	21458525	Deputy Clerk	DMWONG	10/02/25
29.	Felix Mubwa	26643792	Infrastructure	Felix	10/02/25
30.	Mukimbi Joseph	26447351	Internal Audit	Mukimbi	10/02/25
31.	Joshua Moga	24379293	Infrastructure	Joshua	10/02/25
32.	JOSHUA MAMANGA	23090721	L&C	JOSHUA	10/02/2025
33.	Liamas Ombogo	20616686	Communication	Liamas	10/02/2025
34.	Amuluzum	27290559	F. Analyst	Amuluzum	10/02/25
35.	KENEDY NVABEZI	2646370	H.O.D INFRASTRUCTURE	KENEDY	09/02/25
36.	Keranda Bwanga	25178199	S.A.A	Keranda	09/02/25
37.	DORIS K. SINDI	14726219	Procedure & Com	DORIS	10/02/25
38.	Maurice Abwa	26598579	K.C./Finance	Maurice	09/02/2025
39.	HOR MICHAEL KEMUMU	31425146	MCA	HOR MICHAEL	9/21/2025
40.	LINET MAMANGA	22018393	STAFF	LINET	10/2/2025
41.	Maggie Nyakira	27591906	Accounts Officer	Maggie	10/02/2025
42.	Mary Nyambaga	28052204	Committee Services	Mary	10/02/25
43.	Anerak Muga	29164993	S.A.A	Anerak	10/02/25
44.	Robert Mairiga	24614181	Administration	Robert	10/02/25
45.	Jeremiah Bossini	23062959	Procurement	Jeremiah	10/02/25
46.	Robert Nyakira	14524505	Comptroller	Robert	
47.	Felix Kemummu	25769778	Committee Services	Felix	10/02/25
48.	Dennis Mamanga	22019446	Finance	Dennis	10/02/2025
49.	Lamela Njoroge	22062941	ICTD	Lamela	10/02/2025
50.	Duncan Sambo	34444382	SCM	Duncan	10/2/2025
51.	Charles Nanyo	10746002	Administrative	Charles	10/2/2025
52.	George Omiti	2436161	Administration	George	10/2/2025
53.	Knock Muga	2772728	Communication	Knock	10/02/2025
54.	Doris Mubwa	28799773	Administration	Doris	10/02/25
55.	Eximia Kibuka			Eximia	
56.	Evelyn Kige	25091051	Finance	Evelyn	10/02/25
57.	Agha Omambia	24574361	Administration	Agha	10/02/25
58.	Verah Orina	30484677	Administration	Verah	10/02/2025
59.	Gillette Sobu	28212387	P.E.C Services	Gillette	10/2/2025
60.	Stella MOSE	25162365	S.X.X	Stella	10/02/2025
61.	Janet Gumbwa	226106020	Administration	Janet	10/02/2025

62.	Mary Okeno	29320612	Finance & Account	Yes	10/2/2025
63.	Jacet Mutama	23603792	Administration	Yes	10/2/2025
64.	Rodgers Sese	21521635	Security	Yes	10/2/2025
65.	MAGRE A Z	13526317	HR	Yes	10/2/2025
66.	Shup Mufoka	10466826	Admin	Yes	10/2/2025
67.	Chute Kiranga	28611836	Research	Yes	10/2/2025
68.	Hajimiah Mungu	13757871	MCA	Yes	10/2/2025
69.	Priscilla Muzubi	21042317	MCA	Yes	10/2/2025
70.	Haji Jam Mungu	9912726	MCA	Yes	10/2/2025
71.	EGOHA S. S. S. S.	13644872	ICT	Yes	10/2/2025
72.	GAD-14 OBIK	22019062	HR	Yes	10/2/2025
73.	HACCAI NAKWA	24604101	Legislative Procedure	Yes	10/2/2025
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PETITION TO THE JUDICIAL SERVICE COMMISSION FOR REMOVAL FROM OFFICE OF LADY JUSTICE WINFRIDA OKWANY - HIGH COURT JUDGE NYAMIRA [Type here] [Type here]



Annex 149



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF NYAMIRA
THE COUNTY ASSEMBLY



P.O BOX 590 - 40500, NYAMIRA
Our Ref: CAN/WLI/1303/2025(1)

E-Mail: info@nyamiranassembly.go.ke

COUNTY ASSEMBLY STAFF WELFARE ASSOCIATION

When replying please refer to our reference

DATE: 13th March, 2025

The OCS,
Nyamira Police Station,

COUNTY ASSEMBLY OF NYAMIRA
OFFICE OF THE CLERK
13 MAR 2025
RECEIVED
P.O. Box 590-40500, NYAMIRA

RE: NOTICE FOR PICKETING

The County Assembly of Nymira staff welfare wish to notify your office that it will be conducting peaceful protest in Nyamira town and later present petitions to the office of the Governor and County treasury and Nyamira law courts starting 16th to 21st March, 2025. Reasons for picketing are amongst; the conduct of Hon. Judge of Nyamira justice Okwany of:

1. Favourism and biased judgements which have halted the operations of the Assembly;
2. Interference against the Legislative Arm of Nyamira by Justice Winfridah Okwany;
3. Protecting a criminal masquerading as the Clerk of the Assembly; and
4. Misuse of the justice system with impunity and immunity by persons delegated to protect the rule of law and order within the County.

Thank you.

Geoffrey Onchari,
The SG,
County Assembly of Nyamira Staff Welfare

Copy to: Hon. Clerk - County Assembly of Nyamira

RECEIVED ON

13-03-2025

AT 1600hrs

OFFICER COMMANDING
13 MAR 2025
SIGNATURE
NYAMIRA POLICE STATION



**COUNTY ASSEMBLY OF NYAMIRA STAFF WELFARE
ASSOCIATION (CANSWA)
OFFICE OF THE SECRETARY GENERAL**

P.O Box 590-40500, Nyamira



1st APRIL 2025

TO:

1. THE DEPUTY REGISTRAR
BOMET HIGH COURT (CIVIL DIVISION)
2. THE DEPUTY REGISTRAR
NYAMIRA HIGH COURT (CIVIL DIVISION)
3. THE CONTROLLER OF BUDGET
OFFICE OF THE CONTROLLER OF BUDGET
4. THE DIRECTOR BANKING SERVICES
CENTRAL BANK OF KENYA
5. THE CLERK – SENATE
6. THE SENATOR - NYAMIRA COUNTY
7. THE GOVERNOR – NYAMIRA COUNTY
8. THE COUNTY EXECUTIVE COMMITTEE MEMBER/HEAD OF COUNTY TREASURY
COUNTY GOVERNMENT OF NYAMIRA

ARTICLE 37 OF THE CONSTITUTION OF KENYA (2010)

IN THE MATTER OF "OBTAINING COURT ORDERS BY FALSE PRETENSE"

**PETITION AGAINST THE RECOGNITION OF SILVANUS NDEMO NYAMORA AS
SIGNATORY AND/OR Ag. CLERK OF THE COUNTY ASSEMBLY OF NYAMIRA**

The County Assembly of Nyamira staff Welfare Association is a registered Association in the Republic of Kenya by the Registrar of Societies;

PURSUANT TO Article 37 of the Constitution of Kenya (2010):

*Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to **present petitions to public authorities.***

WE, the Members of the County Assembly of Nyamira staff Welfare Association strongly resist any attempt by any person or state organ to illegally impose the above referenced person and confer on him illegitimate authority as Ag. Clerk of the County Assembly and as Signatory to County Assembly Accounts held at the Central Bank of Kenya, or as approver or authorizer of requisitions/expenditure on behalf of the County Assembly, with the following reasons:

1. **Silvanus Ndemo Nyamora** was until October 2024 the Hansard Editor of the County Assembly of Nyamira.
2. The County Assembly of Nyamira removed **Enock Ogori Okero** from office of the Speaker of the County Assembly on **24th October 2024** by way of Impeachment. The Impeachment was published in the Kenya Gazette Vide **Gazette Notice No: 14050** dated **24th October 2024**. To date, the decision of the County Assembly to impeach Enock Ogori Okero has not been overturned or stayed by any court of law. (Gazette Notice annexed as "CANSWA 001")
3. Subsequent to his impeachment, the former Speaker **Enock Ogori Okero** illegally appointed **Silvanus Ndemo Nyamora** as Ag. Clerk of the County Assembly effective the **28th of October 2024** vide gazette notice No: **14230** dated the **26th of October 2024**. It should be noted that this is a decision that can only be made by the County Assembly Service Board and not just an individual and most certainly not by an individual that had ceased to hold office. (Gazette Notice annexed as "CANSWA 002")
4. Consequently, **Silvanus Ndemo Nyamora** proceeded to facilitate the formation of a breakaway parallel and illegal assembly together with **Enock Ogori Okero** after the removal of the latter from the office of Speaker of the County Assembly of Nyamira by Impeachment on **24th October 2024**. As already underscored above, the said impeachment is the subject of a Court matter and to date it has not been invalidated by a Court of law. **Silvanus Ndemo Nyamora's** engagement in such partisan politics went against the provisions of Section 5(c) of the County Assembly Services Act, 2017 [Revised 2022] which requires officers of the County Assembly Service to have regard to the principles of political neutrality.
5. On account of his engagement in partisan politics and his treasonous activities; the **County Assembly of Nyamira staff Welfare Association** met on Special General Meeting on **25th November 2024** and **unanimously resolved to remove Silvanus Ndemo Nyamora from the Membership of the Association**. As it stands, **Silvanus Ndemo Nyamora lost the confidence of Members of Staff** and **CANNOT** in any whatsoever **pretend to be championing for our rights**.
6. While the duo conducted an illegal breakaway Assembly complete with a **fake "mace", forged Seal and forged office Stamp; they operate from no known office**. They have so far been **freelancing from ad hoc premises** including hotels, pubs and private residences. The two can therefore not be traceable as their **operations are clandestine**. We fear that should the two succeed in their conspiracy, public funds will be lost much to the suffering of the staff of the County Assembly.
7. **Silvanus Ndemo Nyamora** was **SUSPENDED** from the County Assembly on **19th November 2024** and subsequently **DISMISSED** from the County Assembly Service on **14th March 2025**. He has neither challenged his suspension nor his dismissal before any authority or court of law. **How then can a dismissed individual be granted authority over the management of County Assembly Finances?**
8. Prior to his dismissal, **Silvanus Ndemo Nyamora** made his **last and brave act of impersonation**, by impersonating ~~the~~ **Nyamira County Assembly Service Board**

and succeeded to **obtain court orders "by false pretense"**, which orders gave him access to County Assembly Accounts held at the Central Bank of Kenya. To our dismay, the sweeping orders were given **ex-parte** and in **Nyamira** as opposed to a location where the Central Bank and/or any of its branches are located, pointing to the possibility of connivance with the Judge, **a total miscarriage of justice**.

9. The **County Assembly Service Board of Nyamira** as currently constituted has the following members:

- (i) Hon. Josiah Magera, MCA - Vice Chairperson
- (ii) Hon. Reuben Miinda Riechi, MCA - Member
- (iii) Ms. Ms. Gladys Nyoteyo Ogendo - External Member
- (iv) Mr. John Kingsley Ondigoh - External Member

❖ *The Chairperson has a matter in court challenging his election as Speaker whose outcome is pending.*

This is the same Board that **suspended** and subsequently **dismissed Silvanus Ndemo Nyamora** from the County Assembly Service. The case that was filed before the Nyamira Judge (**Nyamira County Assembly Service Board VS CBK and others**) **did not emanate from the Board as constituted above**. The matter was supported by the affidavit of **Silvanus Ndemo Nyamora** who was already suspended from the County Assembly Service by the same Board.

*It is not logical that the Board that had suspended **Silvanus Ndemo Nyamora** would make an application before court seeking the grant of financial authority to the same **Silvanus Ndemo Nyamora** while serving a suspension.*

This was indeed a travesty of justice. By dint of these orders obtained by false pretense, the County Assembly staff have suffered a prolonged tussle over who is the legitimate Clerk of the County Assembly. This tussle has brought upon suffering as three months' salaries and allowances remain unpaid (January, February and March 2025). Equally, due to non-payment, the officers' medical cover was discontinued by the service provider further exposing the employees to huge medical bills.

10. Before **Silvanus Ndemo Nyamora** was granted the orders above, another **injustice** was going on at the **Central Bank of Kenya**. Officers of the Bank blatantly, and under undue influence, flouted the standard operating procedures for Change of Signatories of the Central Bank and **clandestinely** effected a change of Signatories on account of an illegal gazette notice issued on **26th October 2024** by **Enock Ogori Okero** two days after he was removed from the office of Speaker/Chairperson County Assembly Service Board.

11. The **Substantive Clerk** of the County Assembly of Nyamira remains **Mr. Duke Simeon Onyari** as appointed by the County Assembly on **19th December 2024**. He is the only authorized officer and mandatory signatory until and unless the County Assembly of Nyamira so resolves.

Signed.

GEOFFREY ONCHARI
SECRETARY GENERAL

For and on Behalf of the County Assembly of Nyamira staff Welfare Association