Commission Replying Affidavit in a Disciplinary Dismissal Appeal

Educational sample 077 | Supreme Court of Kenya at Nairobi

Educational reconstruction based on a reported Kenyan decision. This is newly drafted text, not an original court filing, not a matter handled by our team, and not proof that a sample argument succeeded. Parties, parcels and identifying case details in the specimen are replaced with bracketed fields. Do not sign, swear or file it without checking your facts, jurisdiction, applicable rules and court directions.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA AT NAIROBI

CASE OR APPLICATION NO [insert appropriate reference]

[APPLICANT OR CLAIMANT] v [RESPONDENT OR DEFENDANT]

REPLYING AFFIDAVIT

1. I, [authorised records officer], am authorised by the Respondent Commission to depose to the records identified below. I make this affidavit in response to the petition served on [date]. My knowledge comes from [specified custody and responsibilities], except where otherwise stated.

2. The disciplinary charges, the employee's written explanation and the committee's proceedings appear at [record pages]. I identify the original filed documents rather than annexing a newly reconstructed history as though it were contemporaneous evidence.

3. The allegations related to procurement communications and reporting obligations. The Commission relied on the committee's recommendation and the decision recorded at [page]. These documents establish what the institution decided; they do not alone prove every disputed underlying event.

4. The employee's hearing attendance, representation and opportunity to make an explanation are recorded at [pages]. Where the record contains his request for particular reports or a witness, I identify that request and the actual recorded response.

5. The material provided to the employee before the decision was [enumerate with delivery evidence]. If an investigation report relied on was not supplied, I state that limitation. A report's existence in institutional custody is not proof of disclosure to the employee.

6. The principal complainant's participation before the committee is shown by [record]. I do not assert that a person testified where the minutes contain no such testimony, or supply new allegations to repair an evidential gap after judgment.

7. Any assertion about availability of the former position or equivalent employment is based on [identified authorised current record]. If this is additional evidence not in the appeal record, the Respondent seeks the necessary admission directions rather than assuming this affidavit admits it automatically.

8. The matters stated from identified records are true to the best of my knowledge and belief, their sources having been specified. Legal submissions about jurisdiction, bias and remedy are reserved for the Respondent's grounds and submissions.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [Commissioner for Oaths]. The jurat must be completed by the authorised officer; this sample has not been sworn.

Use and evidence notes

Rule 42 permits grounds of objection, an affidavit, or both unless the Court directs otherwise. File within the applicable response period and serve as directed. Rule 26 requires a formal application for additional evidence. This respondent-oriented reconstruction is not a claim that the Commission’s fairness defence succeeded.

R1 identified existing disciplinary record pages; R2 actual disclosure or delivery evidence; R3 authorised material relevant to remedy, subject to admissibility.

Source and procedural limits

A judicial administrative officer challenged dismissal following procurement-related disciplinary allegations. The ELRC ordered reinstatement, but the Court of Appeal reversed that outcome. His Supreme Court appeal concerned the disciplinary process, disclosure and constitutional fairness.

The Supreme Court allowed the appeal, ordered reinstatement if the post remained available or equivalent re-engagement, and payment of withheld salary from interdiction. It rejected the bias ground and a new notice-period argument not pleaded below. Additional compensation was declined in the circumstances.

Constitution Articles 47, 50(1), 163(4)(a) and 172(1)(c); Judicial Service Act section 32 and Third Schedule paragraph 25. Supreme Court Rules 2020 govern the appellate specimen, not the historical trial pleading rules.

Supreme Court Petition E005 of 2025 — 15 August 2025. Source: https://supremecourt.judiciary.go.ke/wp-content/uploads/2026/07/Eric-Kamande-v-Judicial-Service-Commission-SC-Petition-No.-E005-of-2025-Judgment-15th-August-2025.pdf

The linked original judgment may identify parties. This public specimen omits their names. Historical allegations are not presented as established facts. A different result in your own proceedings is possible.