Petition of Appeal on a Public Employee Disciplinary Hearing

Educational sample 076 | 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]

PETITION OF APPEAL

1. The Petitioner appeals from the Court of Appeal judgment dated [date], in [redacted appellate reference], which reversed the trial court’s relief concerning termination of the Petitioner’s public employment. The challenged portions and corresponding record pages are [identify].

2. Jurisdiction is invoked under Article 163(4)(a). The constitutional questions about fair administrative action and a fair hearing arose in the original pleadings and were considered below at [pleading and judgment references]. Mere dissatisfaction with factual findings is not the jurisdictional basis.

3. The disciplinary charges concerned an alleged meeting with a procurement bidder and an alleged failure to declare that interaction. The Petitioner disputes whether the committee proved those charges through material which he could inspect and answer.

4. Ground one: the appellate court treated the disciplinary result as valid without adequately addressing the non-production of the material investigation reports to the employee and the resulting inability to challenge the adverse case. The specific denied material is [identify from the record].

5. Ground two: the decision failed to distinguish allegations from tested proof when the principal complainant was not called before the disciplinary committee. The legal complaint concerns the fairness of the hearing on this record, not a rule that every disciplinary case requires a criminal trial.

6. Ground three: the constitutional and statutory role of the Commission required a reasoned assessment of the committee’s evidential gaps before adopting its recommendation. The relevant recorded recommendation and Commission decision appear at [pages].

7. The Petitioner seeks setting aside of the appellate finding that termination was fair, an appropriate declaration of procedural unlawfulness, and reinstatement or equivalent re-engagement with the consequential salary relief proved and legally available. Any alternative compensation is separately pleaded and justified without double recovery.

8. No new notice-period complaint, undisclosed factual allegation or unfiled document is introduced by this petition. The accompanying schedule identifies the notice of appeal, relevant judgments, original pleadings and record pages supporting each ground.

DATED at [place] on [date]. [Signature of party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected party and address].

Use and evidence notes

Use the structure of Form G and rules 38–40, including a concise document schedule. Show the constitutional question's path through both lower courts. Kamande supports disclosure and hearing arguments but rejected bias and an unpleaded notice-period point: do not present all alleged defects as successful grounds. Check time from the actual notice and any extension order.

A1 notice of appeal; A2 Court of Appeal judgment; A3 ELRC judgment; A4 original constitutional pleadings; A5 committee proceedings and dismissal record already admitted below.

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.