Appellant Submissions on Withheld Disciplinary Reports

Educational sample 078 | 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]

WRITTEN SUBMISSIONS

1. The appeal concerns whether the employee could understand and answer the material basis of the disciplinary charges. The Petitioner relies on the constitutional issues preserved below and on the existing record; these submissions supply argument, not new testimony.

2. The Court should first identify which report, complaint and committee recommendation actually supported dismissal. For each item, the Petitioner provides [page], the request for disclosure at [page], and the institution’s response at [page].

3. The prejudice is specific: without the material report, the employee could not examine its account of the procurement interaction, identify discrepancies or answer the adverse inference before the decision was adopted. The missing opportunity is connected to a decisive charge, not merely an administrative inconvenience.

4. The absence of the principal complainant from the committee hearing further limited testing of the relevant account. The Petitioner does not equate administrative proceedings with a criminal prosecution; the question is whether this particular process was constitutionally fair.

5. Under the Judicial Service Act framework, discretion concerning preliminary inquiry should be distinguished from the obligation to decide on a fair and adequate record. A claim that every case required a particular preliminary investigation is not necessary to the pleaded disclosure ground.

6. The Respondent’s reliance on attendance and a written explanation does not answer whether decisive adverse material was disclosed. Those procedural events should be assessed alongside, rather than substituted for, access to the case to be met.

7. Relief should address the unlawful process and its proved employment consequences. Reinstatement availability, equivalent re-engagement and salary consequences require distinct prayers and an accurate payroll basis. Compensation should not duplicate relief already restoring the same loss.

8. The Court is invited to allow the pleaded fairness grounds and make precise consequential orders. The Petitioner does not add a fresh notice-period ground through submissions or contend that the procurement committee’s earlier institutional role automatically proves bias.

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

Identify the contested documents and prejudice by record page. Verify every authority against its actual holding; the source judgment criticised inaccurate descriptions of authorities. A current filing must comply with the Court’s page limits, line numbering and directions. The sample does not replace the petition or the record of appeal.

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.