

PETITION BY MR. JOHN KIMANI GITAU ON ALLEGED WRONGFUL DISMISSAL FROM THE PUBLIC SERVICE

Honourable Senators,

PARLIAMENT
OF KENYA
LIBRARY

1. Pursuant to Standing Orders 220 (1) (a), and 225(2) (b), I hereby report to the Senate that a petition has been submitted, through the Clerk, by Mr. John Kimani Gitau, a resident of Nakuru County, concerning alleged wrongful dismissal from the Public Service.
2. In the Petition, the petitioner states-
 - a) that the Public Service Commission unlawfully dismissed him from the Public Service, without following the administrative procedures and regulations that govern such a process; and
 - b) that his efforts to obtain redress from, among others, the Kenya National Commission on Human Rights (KNCHR) and the Commission on Administrative Justice (CAJ), have not yielded any positive outcome.
3. The Petitioner therefore prays that the Senate investigates this matter, and makes appropriate recommendations thereon.
4. **Honourable Senators**, pursuant to standing order 226, I shall now allow comments, observations or clarifications in relation to the petition for not more than **thirty** minutes.

[after comments by Senators]

5. **Honourable Senators**, pursuant to standing order 227(1), the Petition stands committed to the relevant standing committee, in this case the Standing Committee on Labour and Social Welfare.
6. In terms of standing order 227(2), the Committee will be required, in not more than sixty days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner and laid on the Table of the Senate.

Approved

Speaker
16/5/17

Hon. Speaker
This petition is in order. We have notified the Petitioner of the same. You may approve for reporting to the Senate.

15/05/17

Charles
Please deal.
12/07/17

John Kimani Gitau
P.O Box 17207
NAKURU
Email: gitaujohnkimani@gmail.com
Tel : 0719704061
ID No. 7483579

The Clerk of the Senate
Parliament Buildings
P.O Box 41842 – 00100
NAIROBI
Email: cSenate@parliament.go.ke



3rd April 2017

RE: PETITION TO THE SENATE CONCERNING WRONGFUL DISMISSAL FROM PUBLIC SERVICE

I, the undersigned,

Citizen of the Republic of Kenya and resident of Nakuru County

DRAW the attention of the Senate to the following:

1. Wrongful dismissal from Public Service.

1.1 THAT Public Service Commission, Kenya Revenue Authority and Treasury did not observe parts E (30)1 and M2 of Civil Service Code of Regulation in dismissing me.

1.2 THAT The Public Service Commission did not observe sections 13 (36), 20 (10), 31 (1), 33 and 36 (1) (b) Cap 185 of laws of Kenya (Public Service Commission Act) in dismissing me.

1.3 THAT, the Kenya National Commission on Human Rights closed my file on wrongful dismissal; a file that is held by the Commission. The file No. is 367.

1.4 THAT, the closure was as a result of KNCHR addressing my mail by using wrong postal address even after I had indicated about change of postal address in a letter dated 7th December 2000 that I addressed to the Standing Committee on Human Rights, the precursor to Kenya National Commission on Human Rights.

2. THAT, on 9th March 2017, the Commission on Administrative Justice rebuffed my efforts to seek justice on wrongful dismissal through it.

3. THAT, it is true that I have made the best efforts to have these matters addressed by relevant authorities all of which have failed to give a satisfactory response.



Petition to the Senate by John Kimani Gitau (ID No 7483579) concerning wrongful dismissal from Public Service

4. THAT, it is true that none of these issues raised in this petition is pending in any court of law, constitutional or other legal body.

WHEREFORE, your humble petitioner prays that the Senate:

1. Resolve that the decision to close my file by Kenya National Commission on Human Rights was hasty.
2. Resolve to review and adopt the findings of the Kenya National Commission on Human Rights in regard to my dismissal contained in file No 367 held by KNCHR.

Dated this 3rd day of April 2017

No	NAME	ADDRESS	I.D No.	SIGNATURE
	John Kimani Gitau	P.O Box 17207	7483579	
		Nakuru		
		Tel: 0719704061		
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REPUBLIC OF KENYA

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PARLIAMENT OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./PETITIONS/CORR./2017

30th March, 2017

Mr. John Kimani Gitau,
P.O. Box 17207,
NAKURU.
Tel: 0719704061

Dear ,

**RE: PETITION TO THE SENATE ON ALLEGED WRONGFUL DISMISSAL
FROM THE PUBLIC SERVICE**

I acknowledge, with thanks, receipt of your Petition on the above subject matter.

Upon reviewing the Petition in terms of Senate Standing Order 220 (3), it is advised that the Petition, though it raises important issues for consideration by the Senate, is not admissible in its present form. This is for the reasons that -

- i) the subject-matter of the Petition has not been indicated on every sheet, as required under Section 3 (e) of the Petition to Parliament (Procedure) Act (No. 22 of 2012), and Senate Standing Order 223 (e);
- ii) the Petition fails to state whether the issues in respect of which it is made are pending before any court of law or other constitutional or legal body, as required under Section 3 (g) of the said Act, and Senate Standing Order 223 (g);
- iii) the petition does not conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner in regard to the matter to which it relates, as required under Section 3 (h) of the said Act, and Senate Standing Order 223 (h);
- iv) the Petition has other documents annexed to it, which does not conform to the requirements set out at Section 3(k) of the said Act, and Senate Standing Order 223 (k); and
- v) the Petition is not signed, which is a mandatory requirement under Section 3(m) of the said Act, and Senate Standing Order 223 (m).

In the circumstances, it is requested that you amend the petitions to comply with the said requirements. Attached in this regard are the applicable provisions of the Petition to Parliament (Procedure) Act and the Senate Standing Orders, on the form of a public petition, as well as a template which you may adopt in redrafting the petition.

Mrs. Serah Kioko, Director, Legislative & Procedural Services (Tel No. 0722881777 and Email, skioko@parliament.go.ke or kiokoserah@gmail.com) is the officer responsible for facilitating this matter.

Yours *Sincerely,*



M. A. MOHAMED,
SENIOR DEPUTY CLERK,
FOR: CLERK OF THE SENATE

Encs.