

State Corporation/Public University Appeal No of 20.....

BETWEEN

VICTOR ODINGO ODIRA APPELLANT

AND

LAPSSET CORRIDOR DEVELOPMENT AUTHORITY..... RESPONDENT

APPEAL

The Secretary/CEO
Public Service Commission
Commission House
P.O. Box 30095-00100
NAIROBI.



The appeal for review of Unlawful and Unfair Summary Dismissal of Victor Odingo Odira (The Appellant) of National ID: 25571058. The Appellant is a Kenyan Citizen of sound mind with particulars as follows:

- (a) Name of Appellant: Victor Odingo Odira
- (b) Job Description: As per LCDA's letter dated 10 June 2020 (**Copy attached for ease of reference**)
- (c) Personal Number (P/No): 201609050 (**Not 202012104 as captured in the Dismissal Letter**)
- (d) Job Group: LCDA Grade 5
- (e) Date of Birth: 4 February 1988
- (f) Designation: Principal Project Finance & Investment Officer III
- (g) Terms of Service: Permanent and Pensionable
- (h) Name of Respondent: LAPSSET Corridor Development Authority

(i) FACTS GIVING RISE TO THE APPEAL

1. The Respondent is a State Corporation within the meaning of the State Corporations Act, and the Appellant is a Public Officer subject to the appellate jurisdiction of the Public Service Commission.
2. On 29 September 2022, the Appellant was transferred to Turkana, then back to Nairobi on 30 May 2023, and again to Turkana on 6 February 2025 (**Copies attached as Annex II, III and**

IV) in fundamental breach of *Clauses 2.35.3 and 2.36.1 of the Respondent's Human Resource Policy and Procedures Manual (2020)*.

3. On 17 February 2025, the Appellant filed for an administrative review of the 6 February 2025 transfer decision to the Director General/CEO of the Respondent (**Copy attached as Annex V**).
4. On 26 March 2025, the Director General/CEO declined the review without substantive justification or notification of the Appellant's right to review/appeal (**Copies attached as Annex VI**), in *breach of Article 47(2) of the Constitution and Sections 4(3) and 6 of the Fair Administrative Action Act, 2015* (including the duty to provide written reasons, relevant information, materials, and notification of appeal mechanisms).
5. In March 2025, the Respondent stopped and withheld the Appellant's entire remuneration without written notice, a notice to show cause, an opportunity to be heard, an investigation, interdiction, or lawful suspension in violation of *Articles 41(1), 41(2)(a), 47 and 50(1) of the Constitution, Section 69(4) of the Public Service Commission Act (Cap. 185), and Section 17 of the Employment Act, 2007*.
6. On 3 April 2025, the Appellant applied for review to the Respondent's Board through the Director General/CEO pursuant to *Sub-Sections 11.23, 12.1, and 12.2 of the Respondent's Human Resource Policy and Procedures Manual (November 2020)* (**Copies attached as Annex VII**). **The Appellant has not received a response to his application for review.**
7. Between 9 April and 27 May 2025, the Appellant submitted four formal letters requesting reinstatement of withheld salaries and applicable allowances (**Copies attached as Annex VIII, IX, X and XI**). The Respondent ignored the communication, a material breach of the principles of fair administrative action.
8. On 27 May 2025, the Appellant submitted a Physician's advisory on *Recurrent Anterior Epistaxis*. Notwithstanding the medical disclosure, the Respondent issued a reporting ultimatum on 25 November 2025 (**Copies attached for ease of reference**).
9. On 9 June 2025, the Respondent issued a notice to show cause. The notice alleged gross misconduct. The Show Cause Letter was null and void for vagueness and procedural unfairness because it failed to disclose with specificity the factual allegations, particulars of "gross misconduct", the information, evidence and materials relied upon, and the specific policy and statutory provisions allegedly breached in violation of the Appellant's fundamental rights under

Articles 47 and 50(1) of the Constitution and Sections 4(3)(a), (b), (g) and 6(2)(b) of the Fair Administrative Action Act (Cap. 7L).

10. Further, the Director General/CEO issued the notice to show cause instead of the Human Resource Manager contrary to *Clause 11.13.10 of the Respondent's Human Resource Policy and Procedures Manual (November 2020)* (**Copy attached as Annexe XIV**), rendering the initiation of the disciplinary process procedurally infirm and without lawful authority under the Respondent's own binding Human Resource Instruments.
11. On 16 June 2025, the Appellant submitted his response to the show cause letter. The Appellant requested full particulars, clarifications of information, materials and evidence relied upon pursuant to *Sections 4(3)(g) and 6(2)(b) of the Fair Administrative Action Act (Cap. 7L)* (**Copy attached as Annexe XV**). The Respondent did not furnish the requested records and reasons, contrary to *Section 6(3) of the Act*, thereby depriving the Appellant of a meaningful opportunity to be heard.
12. On 16 July 2025, the Appellant filed formal complaints with the internal Complaints Handling Committee (**Copy attached as Annexe XVI**) and the Commission on Administrative Justice (CAJ) on 30 July 2025 (**Copy attached as Annexe XVII**). The matter before the CAJ is unfair administrative action and an inverted sequence of due process. Not summary dismissal.
13. On 3 September 2025, the Appellant attended a disciplinary hearing from 12.05 PM. In addition to oral submissions, the Appellant filed written submissions to the Human Resource Management Advisory Committee (HRMAC). (**Copy attached as Annexe XIX**). The HRMAC was not properly constituted.
14. On 24 November 2025, the Appellant requested a formal appointment with the Chairman of HRMAC to discuss the prolonged administrative silence and the continued withholding of full salary (**Copy attached as Annexe XX**). In response, the Respondent issued a Warning Letter on 25 November 2025 (**Copy attached as Annexe XXI**).
15. On 25 November 2025, the Appellant requested records, minutes and reports of the HRMAC and LCDA Board via a memo leading to the Warning Letter for appropriate response (**Copy attached as Annexe XXII**). The Respondent ignored the request.
16. On 3 December 2025, the Appellant appealed for a review with a request for an independent medical opinion and requested a suspension of the 14-day directive pending medical review: Recurrent Anterior Epistaxis; Normocytic Normochromic Anaemia; and Neuropathy under

medical review by the Aga Khan University Hospital in Nairobi (**Copy attached as for ease of reference**).

17. On 4 December 2025, the Appellant issued a notice of readiness to comply under duress pending review of the appeal. The Appellant requested payment of transfer allowance and 9-month salary arrears for facilitation of relocation and settlement in the new duty station (**Copy attached as Annexe XXIV**). No response was received.
18. On 16 December 2025, the Appellant issued a follow-up on the request for facilitation (**Copy attached as Annexe XXV**). The follow-up was ignored.
19. On 18 December 2025, the Respondent summarily dismissed the Appellant while the Appellant was physically reporting for duty at the Head Office for insubordination and absenteeism (**Copy attached as Annexe XXVI**).
20. **TAKE NOTE** that, notwithstanding the Respondent's refusal to "stamp received" the physical copies of the following letters and memos, the Respondent was served via electronic mail (Email) immediately thereafter. The dual-method approach ensured that the Respondent could not claim a lack of notice.

Annexe	Name of Letter or Memo	Physical Delivery Date	Date of Follow-up Email	Evidence of Submission
IX	Request for Reinstatement of Salary and Allowances	16 April 2025 at 11.12AM	16 April 2025 at 11:47 AM	Printout Copy
X	Request for the Outstanding Leave Allowance (FY 2023/2024) and Withheld Salary (March and April 2025)	19 May 2025 at 11:31 AM	21 May 2025 at 12:45 PM	Printout Copy
XVI	Formal Complaint to the LCDA's Complaints Handling Committee	16 July 2025 At 10.43 AM	16 July 2025 at 11:36 AM	Printout Copy
XX	Request for Formal Appointment to Discuss the Prolonged Delay and Withheld Full Remuneration	24 Nov 2025 at 3.54 PM	24 Nov 2025 at 5:14 PM	Printout Copy
XXII	Formal Request for Certified Documentation Pursuant to the Warning Letter and Full Payment of the Withheld Salary	25 Nov 2025 at 4.17 PM	25 Nov 2025 at 4:37 PM	Printout Copy
XXIII	Urgent Appeal for Review of HRMAC Findings and	3 Dec 2025 at 11.46 AM	4 Dec 2025 at 4:31 PM	Printout Copy

Annexe	Name of Letter or Memo	Physical Delivery Date	Date of Follow-up Email	Evidence of Submission
	Recommendations as Communicated by Formal Warning Letter			
XXIV	Notice of Readiness to Comply and Request for Transfer Allowance, Salary Arrears, and Leave Allowance for FY 2023/2024	4 Dec 2025 at 4.30 PM	4 Dec 2025 at 4.55 PM	Printout Copy
XXV	Follow-up Letter on Request for Restoration in the Payroll, Payment of Withheld Remuneration and Requested Facilitation	16 Dec 2025 at 12.08 PM	16 Dec 2025 at 12:36 PM	Printout Copy

21. **TAKE NOTE:** On 21 February 2025 and 24 March 2025, the Appellant requested any new Human Resource Instruments (**Copy attached for ease of reference**). The Respondent did not acknowledge or respond. Hence, the appeal to the Public Service Commission (PSC) is based on:

- Human Resource Policy and Procedures Manual (November 2020).
- Organisational Structure, Grading and Staff Establishment (November 2020).
- Career Guidelines (November 2020).

22. Further, **TAKE NOTE** that the foregoing facts disclose not an isolated error, but a persistent pattern of systemic procedural illegality: prolonged administrative silence; denial of reasons and records; punitive financial sanction without lawful process; irregular initiation of disciplinary steps; and reliance on an improperly constituted HRMAC. This conduct of the Respondent violates *Articles 41, 47, 50 and 232 of the Constitution*, and offends the statutory scheme under the *Employment Act, 2007* and the *Fair Administrative Action Act (Cap. 7L)*, thereby rendering the disciplinary outcome constitutionally unsustainable.

(j) GROUNDS SUPPORTING THE APPEAL

Ground 1: Foundational Transfer Directive was Unlawful, Ultra Vires, and Unreasonable

23. The transfer directive dated 6 February 2025 was issued in direct defiance of a *Cabinet Moratorium (Ref. CAB/GEN.3/1/1 VOL. XXIII (42) dated 21 January 2025)* which prohibited changes to staff organisation (**Copy attached for ease of reference**). Consequently, the Respondent lacked the legal capacity to issue the transfer directive to a non-established position in any Regional Office, rendering it null and void from its inception.

24. Pursuant to *Section 7(2)(a)(i) of the Fair Administrative Action Act (Cap. 7L)*, the transfer decision is reviewable as it was made without an empowering provision and is otherwise unlawful for disregarding Superior Executive Orders from the Cabinet, the National Treasury (**Copy attached for ease of reference**) and the Chief of Staff and Head of Public Service (**Copy attached for ease of reference**).
25. The Respondent further breached *Regulation 36(2)(a) of the Public Service Commission Regulations (2020)*, requiring efficient and effective service delivery in the Public Service and its own *Organisational Structure, Grading and Staff Establishment (November 2020)* by transferring the Appellant to a duty station where the post of Principal Project Finance and Investment Officer is not established.
26. This deployment constituted forced idleness and punitive deployment, as evidenced by the Appellant's previous posting (between 29 September 2022 and 30 May 2023) to the same station where no duties were assigned, and performance targets were mismatched with the duty station's functions and the Appellant's job description.
27. The Respondent violated *Clauses 2.35.3 and 2.36.1 of its own Human Resource Policy and Procedures Manual (November 2020)* by subjecting the Appellant to 3 unreasonable and arbitrary transfers within 29 months, violating the legitimate expectation of stability created by a minimum 3-year policy rule.
28. By failing to provide any substantive reasons for these repeated arbitrary and punitive transfers despite formal requests of the nature, the Respondent violated the Appellant's fundamental rights to fair administrative action under *Article 47(2) of the Constitution* and fair labour practices under *Article 41(1) of the Constitution*.

Ground 2: The Human Resource Management Advisory Committee (HRMAC) was Improperly Constituted: Lacked Quorum and Jurisdiction

29. The following are the members of HRMAC who made recommendations that led to the Warning Letter Ref. LCDA/HRM/2/20 Vol. 1 (57) dated 25 November 2025 (Basis of Summary Dismissal):

Name	Designation	Job Group	Finding
Alexander Mativo	General Manager, Corporate Services	2	Eligible
Daniel Mumira	Manager, Security Services	3	Eligible

Name	Designation	Job Group	Finding
Bernard Oluoch	Assistant Manager, Finance & Accounts	4	Ineligible
Nyamu H. Githaka	Assistant Legal Manager	4	Ineligible
Benson Maisori	Principal Administrative Officer	5	Ineligible
James Achuka	Senior Human Resource Officer	6	Ineligible

30. The Human Resource Management Advisory Committee (HRMAC) that recommended the disciplinary action was a legal stranger to the process. Contrary to Clause 2.15.2 of the Respondent's *Human Resource Policy and Procedures Manual (November 2020)*, which prohibits members below Grade 3, the committee was populated by officers from Grades 4, 5, and 6.
31. The inclusion of Grade 5 and 6 officers to investigate a Grade 5 Principal Officer is a fatal statutory breach of *Section 69(4)(c) of the Public Service Commission Act (Cap. 185)*, which mandates that the investigations be conducted by officers senior to the accused.
32. The committee lacked the requisite 2/3 quorum mandated by *Clause 2.15.3 of the Respondent's Human Resource Policy and Procedures Manual (November 2020)*. With only two eligible members (Grades 2 and 3), the committee lacked the legal authority to sit, deliberate, or recommend the 14-day reporting directive that formed the basis of the Appellant's Summary Dismissal.
33. TAKE NOTE that no legal promotion could be conducted from 22 January 2025 onwards until the ban on changes to staff organisation is formally lifted. The Job Groups remain as before 21 January 2025. (**Copy attached as Annex XXVIII for reference of Job Group**).

Ground 3: Imposing a Penalty/Punishment without following Statutory Mandated Due Process

34. The Respondent adopted an inverted sequence of due process by imposing the severest penalty—stoppage of 100% of remuneration—in March 2025, several months before issuing a Show Cause Letter (9 June 2025), disciplinary hearing (3 September 2025) and determination (6 November 2025). The inverted sequence of events is presented below.

Respondent's Action	Date	Time before Due Process
Stoppage and withholding of full salary.	March 2025	-The Penalty Begins -

Respondent's Action	Date	Time before Due Process
Issuance of Show Cause Letter.	9 June 2025	2 months <i>after</i> the penalty Take Note: No reason disclosed.
Disciplinary Hearing	3 Sept 2025	5 months <i>after</i> the penalty
HRMAC's void Findings rendered.	6 Nov 2025	7 months <i>after</i> the penalty

35. The “sentence before trial” violates *Section 69(4) of the Public Service Commission Act (Cap. 185)* and *Article 47 of the Constitution*. Stoppage of salary is not a recognised standalone penalty under *Section 68 of the Public Service Commission Act (Cap. 185)*.
36. **TAKE NOTE** that under *Section 47(5) of the Employment Act, 2007*, once an employee demonstrates a termination/dismissal has occurred and raises a complaint of unfairness, the burden shifts to the employer to justify the grounds and the procedure under *Sections 41 and 43 of the Employment Act, 2007*. The Respondent has failed to discharge this burden: it imposed punishment without process; withheld remuneration without lawful authority; denied reasons and records; and relied on an improperly constituted HRMAC, rendering both procedural and substantive fairness under *Section 45 of the Employment Act, 2007* untenable.
37. Because the Appellant was neither interdicted nor suspended, the withholding of 10 months of full salary and allowances (including Leave Allowance for FY 2023/2024) constitutes an illegal pecuniary penalty. The Respondent violated Appellant’s constitutional rights *under Article 28, 41(1), 41(2) (a), and 43 of the Constitution*.
38. The Respondent’s admission during the disciplinary hearing on 3 September 2025 that it failed to conduct a 10-day statutory trace required by *Section 67 of the Public Service Commission Act (Cap. 185)* due to “Ignorance of the Law” further invalidates the stoppage and withholding of full salary. The Appellant’s entire livelihood without considering the mandatory steps stipulated by a statute.
39. On 10 March 2025, the Employment and Labour Relations Court at Nairobi in Petition E020 OF 2025 suspended the punitive transfer letter issued on 6 February 2025 pending hearing and determination of the Petition. Interim orders were extended on 1 April 2025 (**Copy attached as ease of reference**). The Appellant is listed as No. 1 in the suspended punitive transfer letter of 6 February 2025 (**Copy attached as Annex IV**).
40. **TAKE NOTE** that the Respondent justified the delay in concluding the Appellant’s disciplinary proceedings beyond 6 months using the Petition E020 OF 2025. The Respondent noted that it

was waiting for the court's determination for purposes of fair administrative action and out of an abundance of caution (**Copy attached as Annexe XXX**).

41. The Respondent acted in bad faith by telling the Commission on Administrative Justice (CAJ) it was waiting for a court determination in Petition E020 of 2025, while simultaneously executing the maximum financial penalty against the Appellant in contradiction of that claim. Respondent's reliance on Petition E020 of 2025 as a justification for the delayed determination of the Appellant's disciplinary proceedings invalidates the withholding of salary for 10 months.

Ground 5: Breach of Statutory Duty and Procedural Haste regarding Medical Evaluation

42. The Appellant suffers from a clinically documented *Recurrent Anterior Epistaxis, and associated Normocytic Normochromic Anaemia*. Additionally, the Appellant from 18 October 2025 has been experiencing weak, severe burning joint pains, muscle aches from the feet to the waist on both legs (sometimes migratory), tingling and numbness in both hands (**Medical Reports are attached as Annexe XXIII**).
43. On 3 December 2025, the Appellant, pursuant to Section 6(3) of the *Occupational Safety and Health Act (OSHA), 2007* and Clause 14.8.3 of the Respondent's *Human Resource Policy and Procedures Manual (November 2020)*, requested an independent medical opinion to verify health risks associated with the deployment to Turkana (**Copy attached as Annexe XXIII**).
44. The Respondent's failure to engage the *Director of Occupational Safety and Health Services* to constitute a medical panel for reassessment of the diagnosis and medical reports constitutes a definitive breach of statutory duty.
45. By ignoring the Appellant's report of health risks, the Respondent bypassed the mandatory preventive and protective measures required under Section 14(1) of the *Occupational Safety and Health Act (OSHA), 2007*. Under the Act, the Respondent had a non-delegable duty to address reports of imminent danger to health before compelling performance of a transfer directive.
46. The Respondent exhibited Culpable Negligence and Malicious Procedural Haste by issuing a Summary Dismissal on 18 December 2025—merely 15 days after the Appellant's request—while the statutory medical review request was still pending. This action directly violates Section 14(2) of the *Occupational Safety and Health Act (OSHA), 2007*, which protects employees from dismissal or discrimination for exercising a self-protective measure under the Act.
47. A dismissal predicated on insubordination for a transfer directive that endangers an employee's health—where the employer has wilfully refused to verify said risk through the provided legal

channels—is substantively unfair, unreasonable, and a violation of Section 45 of the *Employment Act, 2007*.

48. The Respondent's choice to dismiss the Appellant rather than facilitate a statutory reassessment proves that the summary dismissal was not a bona fide disciplinary action, but a bad-faith manoeuvre to circumvent the Respondent's Duty of Care and its obligations under the *Occupational Safety and Health Act, 2007*. The Table below summarises the sequence of events.

Date	Appellant's Action	Respondent's Action
27 May 2025	Medical advisory on <i>Recurrent Anterior Epistaxis</i> submitted.	Ignored
3 & 4 Dec 2025	Requested an independent medical opinion: <i>Recurrent Anterior Epistaxis, Normocytic Normochromic Anaemia, and Autoimmune / Neuropathy.</i>	Ignored
18 Dec 2025	Not Applicable	Summary Dismissal

Ground 4: Induced Financial Incapacity and Unreasonable Managerial Prerogative to Justify “insubordination” and “absenteeism”.

49. The Respondent is estopped from alleging “insubordination” and “absenteeism” as the reason for Summary Dismissal because the Appellant declared his dreadful financial situation and requested facilitation of relocation and resettlement in the new duty station.
50. The Appellant's inability to report to a station 680km away was a direct and foreseeable consequence of the Respondent's breach of policy duty on financial facilitation.
51. *Clause 4.7.1 of the Respondent's own Human Resource Policy and Procedures Manual (November 2020)* reads “When an employee is transferred from one station to another, he will be eligible for payment of transfer allowance amounting to one (1) month's basic salary immediately he is released to the new station provided the new station is not less than forty (40) Km from the old station.”
52. Furthermore, *Clause C.20(1) of the PSC's Human Resource Policy and Procedures Manual (May 2016)* unambiguously requires transfer allowance to be paid at least three (3) days prior to departure.
53. Despite the Appellant issuing a formal notice of readiness to comply UNDER DURESS and submitting a request for facilitation on 4 December 2025 (**Copy attached as Annexe XXIV**) and

follow-up on 16 December 2025 (**Copy attached as Annexe XXV**), the Respondent maintained a calculated administrative silence.

54. By withholding the Appellant's entire remuneration for ten (10) consecutive months from March 2025 and concurrently refusing to pay the mandatory transfer allowance, the Respondent rendered compliance physically and legally impossible.
55. Under established legal principles: the Doctrine of Self-Induced Frustration, an employer cannot terminate an employment contract for a failure to perform (absenteeism) when that failure was actively induced or sabotaged by the employer's own defaults. The Respondent made it financially untenable for the Appellant to achieve a 680km relocation and resettlement in a new duty station, effectively creating the very "insubordination" it sought to punish. *The chronology of events is summarised below.*

Date	Appellant's Action	Respondent's Action
4 Dec 2025	Requested facilitation (Transfer Allowance and Withheld Salary & Leave Allowance for FY 2023/2024) for purposes of relocation and resettlement in the new duty station.	Ignored
16 Dec 2025	Followed up on his request for facilitation (Transfer Allowance and Withheld Salary & Leave Allowance for FY 2023/2024)	Ignored
18 Dec 2025	Not Applicable	Summary Dismissal

56. The employer's prerogative to transfer is a right to manage, not the right to endanger or the right to starve or the right to demand performance of a task while actively withdrawing the means to perform it. The Summary Dismissal on 18 December 2025 was therefore a malicious exercise of administrative power and a gross violation of fair labour practices under Article 41(1) of the Constitution.
57. **TAKE NOTE**, the Respondent's demonstrated pattern of refusal to comply with the Constitutional provisions, applicable statutory legislation, Public Service Commission (PSC) frameworks, and its own Human Resource Instruments evidences systemic bad faith, not a bona fide disciplinary process and action.
58. An entity that persistently violates the law cannot plausibly seek legal protection for decisions obtained through institutional illegality; the Commission is invited to treat the disciplinary outcome as constitutionally and statutorily contaminated and therefore incapable of standing.

59. In the premises, the Appellant prays that the Commission interrogates the legality of the decision-making chain and the authority underpinning the disciplinary steps, and finds that the entire process and outcome against the Appellant are void or voidable for illegality, want of lawful authority, and gross procedural unfairness.

(k) DOCUMENTS TO BE RELIED UPON IN SUPPORT OF THE APPEAL

No.	Particular	Date
1.	LCDA Appointment Letter with Job Description	10 June 2020
2.	First Transfer Letter (Nairobi to Turkana)	29 September 2022
3.	Second Transfer Letter (Turkana to Nairobi)	30 May 2023
4.	Third Transfer Letter (Nairobi to Turkana)	6 February 2025
5.	Appeal for Review of the Transfer Decision	17 February 2025
6.	Letter from DG/CEO on Decline of Review of Appeal	26 March 2025
7.	Application for Review to the LCDA Board	3 April 2025
8.	Enquiry on the Status of March 2025 Salary and Allowances (1 st)	9 April 2025
9.	Request for Reinstatement of Salary and Allowances (2 nd)	16 April 2025
10.	Request for Reinstatement of Salary and Allowances (3 rd)	19 May 2025
11.	Request for Reinstatement of Salary and Allowances (4 th)	27 May 2025
12.	Show Cause Letter (issued by DG/CEO)	9 June 2025
13.	Appellant's Response to Show Cause Notice	16 June 2025
14.	Formal Complaint to the LCDA's Complaints Handling Committee	16 July 2025
15.	Complaint to the Commission on Administrative Justice (CAJ)	30 July 2025
16.	Written Submissions to the HRMAC during the Disciplinary Hearing	3 September 2025
17.	Request for Appointment with the Chairperson of HRMAC to Discuss Administrative Delay and Continued Withholding of Full Salary	24 November 2025
18.	Formal Warning – Gross Misconduct (Letter)	25 November 2025
19.	Memo Requesting HRMAC and Board Minutes and Records	25 November 2025

20.	Formal Appeal for Review of Decision in the Warning Letter	3 December 2025
21.	Notice of Readiness to Comply and Request for Transfer Allowance, Salary Arrears, and Leave Allowance for FY 2023/2024	4 December 2025
22.	Follow-up Letter on Request for Restoration in the Payroll, Payment of Withheld Remuneration and Requested Facilitation	16 December 2025
23.	Summary Dismissal from Employment (Letter)	18 December 2025
24.	Cabinet Moratorium on the State Corporations Reforms	21 January 2025
25.	Job Group Reference Documents	4 April 2025
26.	Letter by the Chief of Staff and Head of Public Service in reference to the Cabinet Moratorium on State Corporation Reforms	16 May 2025
27.	Respondent's Correspondence to CAJ on the Administrative Delay pending Petition E020 OF 2025 Determination	As per attached
28.	ELRC Interim Orders in Petition E020 OF 2025 (suspension/extension of interim orders)	10 March 2025 / 1 April 2025
29.	Medical Advisory and Reports	As per attached
30.	LCDA's Human Resource Policy and Procedures Manual (November 2020)	
31.	LCDA's Organisational Structure, Grading and Staff Establishment (November 2020)	
32.	LCDA's Career Guidelines (November 2020)	
33.	PSC's Human Resource Policy and Procedures Manual (May 2016)	
34.	PSC's Discipline Manual (Revised 2022)	

(l) DECLARATION AS TO WHETHER THERE ARE OR HAVE BEEN ANY PROCEEDINGS OR DECISION BY OR BEFORE ANY COURT OR TRIBUNAL ON THE SAME SUBJECT MATTER
 Summary Dismissal has not been filed in Court or any competent State Commission.

(m) RELIEF SOUGHT

60. The Appellant prays that the Public Service Commission (PSC) grant the following reliefs:

1. A DECLARATION that the Summary Dismissal of the Appellant dated 18 December 2025 is null, void, and of no legal effect, having been issued in gross violation of the right under Article 41(1)

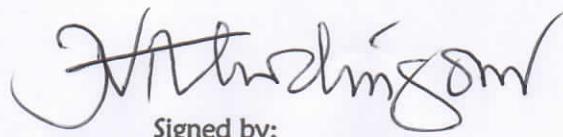
of the Constitution (Right to Fair Labour Practices), 41(2)(a) of the Constitution (Right to Fair Remuneration), 41(2)(b) of the Constitution (Right to Reasonable Working Conditions) and 47 of the Constitution (Right to Fair Administrative Action), and the right to fair hearing under Article 50(1) of the Constitution, and substantive fairness under Sections 43 and 45 of the Employment Act, 2007.

2. **A DECLARATION** that the Human Resource Management Advisory Committee (HRMAC) which sat on 3 September and 6 November 2025 was improperly constituted for lack of quorum and seniority, rendering all its findings, the Warning Letter Ref: LCDA/HRM/2/20 Vol. 1 (57), and subsequent summary dismissal a legal nullity.
3. **A DECLARATION** that the transfer letter dated 6 February 2025 was unlawful and ultra vires for contradicting the Cabinet Moratorium, deploying the Appellant to a non-established post contrary to the approved Staff Establishment and *Regulation 36(2)(a) of the Public Service Commission Regulations, 2020*, and violating the legitimate expectation of stability created by a minimum 3-year policy rule.
4. **A DECLARATION** that the 10-month withholding of the Appellant's 100% remuneration without written notice, notice to show cause, disciplinary hearing, interdiction or suspension order was an illegal pecuniary penalty and a violation of *Section 17 of the Employment Act, 2007* and *Section 67 of the Public Service Commission Act (Cap. 185)*, and offended *Articles 41 and 47 of the Constitution*.
5. **AN ORDER** for the immediate reinstatement of the Appellant to his post as Principal Project Finance & Investment Officer III at the Head Office in Nairobi, with full restoration of seniority, benefits, and service continuity as if the dismissal had never occurred.
6. **AN ORDER** for the immediate payment of all withheld dues up to the date of determination of appeal, including ten (10) months of basic salary and all applicable allowances (House, Commuter, and Leave Allowance for FY 2023/2024), together with interest at Commission's rates from the date of withholding until full payment.
7. **A PERMANENT INJUNCTION** restraining the Respondent from further punitive transfers or deployments to any station or regional office that does not contain an established post for the Appellant's specific job grade and description as per the Authority's approved Staff Establishment.

8. ANY OTHER RELIEF that this Honourable Commission may deem just and fit to grant in the interest of justice and the protection of the Appellant's constitutional rights.

TAKE NOTE: All Annexures, including Human Resource Instruments, have been submitted electronically via email.

Dated at NAIROBI this 24th day of December 2025.


Signed by:
VICTOR ODINGO ODIRA
APPELLANT

DRAWN AND FILED BY:

VICTOR ODINGO ODIRA

Email address: macodingovictor@gmail.com
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TO BE SERVED UPON:

Director General/CEO
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INTERESTED PARTIES

State Department of Transport
Ministry of Roads and Transport
P.O. Box 30260 – 00100
NAIROBI.

Grace
24/12/25

End