

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**"Office of the Ombudsman"**



***"Hata Mnyonge ana Haki"***

**Press Statement for Immediate Release**

**Ombudsman intervenes in a flawed recruitment process**

The Commission on Administrative Justice (Office of the Ombudsman) has recommended the nullification of the appointment of one Mr. Antopas Oluoch Ndede, who was irregularly appointed to the position of Clerical Officer II, at the National Registration Bureau, Rachuonyo North Sub-County, Homa Bay. In his place, it has been recommended that Mrs. Maslynne Adhiambo Oyoo takes over since she was entitled to the position. An investigation by the Commission revealed that there was falsification of documents to facilitate the appointment of Mr. Ndede and deny Mrs. Oyoo, despite being recommended for the position by the Interview Panel.

The Commission undertook investigations into the matter following a complaint received from Mrs. Oyoo alleging that she applied for the position following a vacancy advertised by the then Ministry of Immigration and Registration of Persons in the Daily Nation of 11<sup>th</sup> May 2012. She alleged that she was interviewed and recommended for the position, but never got a letter of appointment.

The investigations confirmed that Mrs. Oyoo was indeed shortlisted, interviewed on 16<sup>th</sup> January, 2013 and recommended for the position after emerging the top candidate with a score of 382 marks. When the Ministry finally made the official appointments, she discovered that she had been left out; instead, Mr. Ndede was given the position despite him having had a lower score of 325 marks at position 8 out of 10 candidates interviewed.

Investigations further revealed that the genuine minutes recommending Mrs. Oyoo had been substituted with false documents to favour the appointment of Mr. Ndede.

The Commission noted that Mr. Ted Maina Macharia, an entry clerk during the recruitment exercise, wrongfully captured the recommendations for Mr. Ndede as the top candidate.

Investigations further revealed that Mr. Peterson Keta Midida, the Principal Human Resource Management Officer and Mr. Donald Otieno Ojuok, the then District Registrar of Persons, Rachuonyo North Sub-County, were relatives of Mr. Antopas Oluoch Ndede.

Moreover, it was established that Mr. Kenneth Nduati, the Principal Registration Officer and Personal Assistant to the Director-National Registration Bureau, worked closely with Mrs. Rose Wanjiku Hunja, the Deputy Director Human Resource Management, Mr. Peterson Keta Midida, Principal Human Resource Management Officer and Mr. Donald Otieno Ojuok, the then District Registrar of Persons, Rachuonyo North Sub-County to fix the employment of Mr. Ndede.

It was also noted that after Mr. Ndede was appointed as a Clerical Officer II and posted to Rachuonyo North, he never reported on duty at his work station. Instead, a transfer was organized for him to Ndhiwa Sub-County. This arrangement amounted to gross abuse of power and negated the spirit of the District Based Recruitment Policy that has left Rachuonyo North Sub-County without a Clerical Officer II to date.

The Commission takes great exception in the conduct of Mrs. Rose Wanjiku Hunja, Mr. Kenneth Nduati, Mr. Peterson Keta Midida, Mr. Donald Otieno Ojuok and Mr. Ted Maina Macharia for misbehaviour in public office and knowingly giving misleading information to the Public Service Commission to appoint Mr. Ndede instead of the rightful candidate.

In his Report, the Ombudsman has made the following recommendations;

- I. The Principal Secretary, Interior and Coordination of National Government retire Mr. Ndede in public interest as he was irregularly appointed and, communicate to the Public Service Commission.
- II. The Principal Secretary, Interior and Coordination of National Government (Department of Immigration and Registration of Persons) to immediately offer the Clerical Officer II position to Mrs. Maslynne Adhiambo Oyoo who is properly entitled and notify the Public Service Commission.
- III. The Commission recommends the prosecution of Mr. Ted Maina Macharia for uttering false documents and knowingly giving misleading information contrary to Section 19 of the Public Officer Ethics Act, 2003 and has advised the Director of Public Prosecution accordingly.

Nonetheless, the Commission commends Mr. William Letetia Lenaremo, the Deputy County Commissioner, Rachuonyo North Sub-County for diligence in the performance of his duties, in particular standing for equity and transparency as provided for under Article 10 of the Constitution of Kenya.

Dated this <sup>9<sup>th</sup></sup>.....day of December 2014



**EDWARD OKELO**

FOR CHAIRPERSON OF THE COMMISSION