



Ado & another v Mander Water & Sewerage Company Limited & 2 others (Employment and Labour Relations Petition E150 of 2021) [2025] KEELRC 2771 (KLR) (9 October 2025) (Ruling)

Neutral citation: [2025] KEELRC 2771 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS PETITION E150 OF 2021**

NJ ABUODHA, J

OCTOBER 9, 2025

BETWEEN

SULEIMAN MOHAMED ADO 1ST APPLICANT

SULEIMAN MOHAMUD ISSAK 2ND APPLICANT

AND

MANDERA WATER & SEWERAGE COMPANY LIMITED ... 1ST RESPONDENT

ABDIKADIR TACHE MOHAMED, THE CHIEF EXECUTIVE OFFICER (C.E.O)

MANDERA WATER & SEWERAGE COMPANY LIMITED .. 2ND RESPONDENT

REGISTRAR OF COMPANIES KENYA 3RD RESPONDENT

RULING

1. This ruling is in respect to the court’s directions given in the ruling delivered on 25th October,2024 to the effect that:
 - a. The parties are therefore directed to compute the allowances and benefits payable to the Applicants as per *Public Finance Management Act*, the Salaries and Remuneration Commission Guidelines communicated vide letter dated 16th April,2014 and the Government Circular MSPS.2/1A VOL111/1A (119) dated 2nd August,2023 within thirty days from the date of this ruling and file the consent in court for adoption as an order of the court.
 - b. In the event of inability to agree let each party independently file their computation for the court to determine the correct computation
2. Applicants’ Advocates wrote to the Respondent’s advocates a letter dated 6th November,2024 attaching a letter dated 7th May,2024 with the proposed computations. The letter was not responded to by the Respondents nor have they filed any computations before the court.



3. The court will therefore consider the Applicants computation and make a ruling on the same since the parties could not reach a consent and file the same to be adopted as an order of the court. The Respondents have not objected to the Applicants computation. This court will therefore consider the tabulation by the Applicants as below.
4. Applicants computation was Kshs 1,100,000/= plus taxed off costs of Kshs 231,550/= totaling to Kshs 1,331,550.00/=
5. The allowances were those of the full Board meetings from June,2020 to August,2023, Human Resource Technical Administration Committee and Finance Committee.
6. The Applicants tabulated that the 1st Applicant was entitled to 20 Full Board Meetings at Kshs 10,000/=, 14 sittings HR Technical and Administration committee and 14 sittings Finance Committee as the chairperson at Kshs 15,000/= each totaling to Kshs 620,000/=. The 2nd Applicant was entitled to two Full board meetings at Kshs 10,000= 14 sittings as a HR Technical & Administration Committee and 14 sittings Finance Committee as a member at Kshs 10,000/= totaling to Kshs 480,000/=
7. The Applicants relied on section 75(3) of the Water Act, the Water Services Regulatory Board Corporate Governance Guidelines Regulation 3.7.2.

Determination

8. This court has considered the tabulation by the Applicants and finds that the Water Regulatory Board is mandated by the Water Act under section 75(3) to develop guidelines to regulate licensed Water Service providers the Board developed such guidelines. The Board developed the Corporate Guidelines for water services 2018 which under Regulation 3.7.2 provides that the committees shall not have more than 4 sittings in a financial year.
9. Regulation 3.7.3 provides that the board shall not exceed 6 board meetings in a year. This means that the Applicants were entitled to 6 full board meetings and 4 committee meetings per year. The Applicant averred that by the time their services were terminated in June 2020 they had attended 3 full board meetings and 2 committee meetings.
10. This therefore meant that unless the Respondent could prove that the meetings were less than the required ones by the regulations the Applicants were entitled to those meetings and sittings per year.
11. When it comes to full Board meetings it meant the same would take place after two months hence from June 2020 to June 2023 the Applicants were entitled to 18 full board meetings with avenue for one more in August as their contract would expire making their total full board meetings to be 19 and not 20 as tabulated by the Applicants.
12. When it comes to committee meetings it means they held them after three months since they were four in a year. Therefore, between June 2020 and June 2023 those were 12 committee meetings and they could not hold another meeting between June and August 2023 since the interval was three months and by then their contract would have expired. They were then entitled to 12 sittings and not 14 as tabulated by the Applicants.
13. On the allowances payable the applicable law was the Salaries and Remuneration Guidelines of 16th April,2014 which stipulated for Kshs 15,000/= for chairperson and Kshs 10,000/= for members.
14. The amounts payable are as follows: -



- a. For 1st Applicant 19 Full board meetings by Kshs 10,000/= =Kshs 190,000/= and the two committees each 12 making it 24 at Kshs 15,000/= as the chair totaling to Kshs 360,000/=. His total allowances would be Kshs 550,000/=
 - b. For the 2nd Applicant 19 Full board meetings by Kshs 10,000/= =Kshs 190,000/= and the two committees each 12 making it 24 at Kshs 10,000/= as the member totaling to Kshs 240,000/=. His total allowances would be Kshs 430,000/=
15. The Applicants total allowances will be Kshs 980,000/= plus costs of the suit.
 16. The court therefore finds and holds that the amounts due to the Applicants is Kshs 980,000/= .
 17. The petitioners shall further have the costs of the petition.
 18. This order therefore concludes this matter and the petition is marked finally determined by the court.
 19. It is so ordered.

DATED AT NAIROBI THIS 9TH DAY OF OCTOBER 2025

DELIVERED VIRTUALLY THIS 9TH DAY OF OCTOBER 2025

ABUODHA NELSON JORUM

PRESIDING JUDGE-APPEALS DIVISION

