

**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT**  
**NAIROBI**  
**ELRC JUDICIAL REVIEW NO. 2 OF 2014**

**JOEL OGENDO ANYONA.....**  
**APPLICANT**

**VERSUS**

**CHIEF OF KENYA DEFENCE FORCES.....1<sup>ST</sup>**  
**RESPONDENT**

**KENYA ARMY COMMANDER.....2<sup>ND</sup>**  
**RESPONDENT**

**PERMANENT SECRETARY, MINISTRY OF**  
**STATE FOR DEFENCE.....3<sup>RD</sup> RESPONDENT**

**RULING**

The Applicant filed a notice of motion application dated 6<sup>th</sup> August 2025 seeking an order in the following terms:

1. Spent
2. That this Honourable Court be pleased to adopt the figures hereunder as the retirement benefits for the Applicant pursuant to this court's judgment delivered on the 4<sup>th</sup> November 2016 and the decree dated 16<sup>th</sup> day of November 2016.
  - (a) Lump sum pension of Kshs. 3,211,329.15
  - (b) Monthly payment of Kshs. 40,141.62 and
  - (c) Arrears for monthly payments of Kshs. 7,867,636.00.
3. Costs of the application

The application is based on grounds (a) to (h) set out on the face of the notice of motion and buttressed in the supporting affidavit of the Applicant John Ogendo Anyona the bottom line of which is that the court issued judgment directing the Respondent to retire the Applicant from the date of alleged dismissal and pay him pension accordingly.

That the Applicant joined the Kenya Defence Forces (KDF) in November 1983. That he rose from a private to a Senior Sergeant until 25<sup>th</sup> March 2009 when Respondents unlawfully dismissed him from service.

That in a judgment dated 4<sup>th</sup> November 2016 the court entered judgment in favour of the Applicant against the Respondents and made an order in the following terms: -

- (i) An order of certiorari is issued to quash the decision by the 1<sup>st</sup> and 2<sup>nd</sup> Respondent and conveyed by the 3<sup>rd</sup> Respondent to reduce the Applicant in rank, forfeiture of 15 days' pay and dismissal from service.
- (ii) An order of mandamus is issued to compel the Respondents to reduce the dismissal to retirement under service no longer required (SNR) and he retains his rank of Sergeant with full retirement benefits from the date of purported dismissal.
- (iii) Costs to follow the outcome.

The Applicant has since obtained a decree of the court dated 4<sup>th</sup> November 2016 and has computed the amount payable to the Applicant as set out in the notice of motion.

The Respondents were served with the application but did not file any response to it to counter the computation of the pension dues owed to the Applicant.

Accordingly, the court has considered the application and the submissions filed by the Applicant and has found the application to reflect a proper computation of his pension dues and grants the application as prayed.

In the final analysis therefore, the Respondents are jointly and severally directed to pay the Applicant with immediate effect as follows: -

- (a) A lump sum of Kshs. 3,211,329.75.
- (b) Monthly payment of Kshs. 40,141.62 and
- (c) Arrears for monthly payment in the sum of Kshs. 7,867,636.00
- (d) Costs of this application

Dated at Nairobi this **18<sup>th</sup> Day of December 2025.**

**Mathews Nduma**  
**JUDGE**

**Appearance:**

Mr. Bw'oigara for the Applicant

Respondents, absent

Mr. Kemboi – Court Assistant