



**Ndung'u v Egerton University (Cause E023 of 2025)  
[2025] KEELRC 3728 (KLR) (19 December 2025) (Judgment)**

Neutral citation: [2025] KEELRC 3728 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU  
CAUSE E023 OF 2025  
J RIKA, J  
DECEMBER 19, 2025**

**BETWEEN**

**DR QWEN NGUMI NDUNG'U ..... CLAIMANT**

**AND**

**EGERTON UNIVERSITY ..... RESPONDENT**

**JUDGMENT**

1. The Claimant filed his Statement of Claim on 8th April 2025.
2. He states that he was employed by the Respondent University, as a Lecturer, for 17 years.
3. He resigned on 9th May 2022.
4. He claims unremitted pension funds, from 2017 to June 2021, amounting to Kshs. 2,779,128; deferred payments, leave allowance, book journal / ICT allowance, at Kshs. 394,319; unremitted loan deductions at Kshs. 110,003; interest due on unremitted pension at Kshs.574,992; unpaid taxable benefits deductions at Kshs. 494,314; costs; and interest.
5. The Respondent filed its Statement of Response out of time, with the consent of the Claimant, dated 16th May 2025. The Statement of Response is in the nature of a general denial.
6. The Claimant gave evidence, and closed his Claim, on 18th September 2025. The Respondent's witness, Legal Officer, Janet Bii, gave evidence on 1st October 2025, closing the hearing.
7. The Claimant restated the contents of his pleadings and witness statement, in his evidence in-chief. Bii largely conceded the Claim in her evidence. She told the Court that the Respondent acknowledges owing the Claimant unremitted pension at Kshs. 2,109,243, and deferred payment at Kshs. 348,678. In total, the Respondent owes the Claimant Kshs. 2,457,921.



8. On cross-examination concerning the other prayers, Bii conceded that the Claimant was entitled to leave allowance; journal / ICT allowance; she did not have evidence of remittance of loan deductions to his bank; and the Claimant lost interest on his pension. She did not explain why the Claimant's arrears of salary, paid in 2020, were subjected to what was claimed to be taxable deductions at Kshs. 494,314. She did not have evidence of remittance of the deducted sum of Kshs. 494,314 to any statutory body.
9. Parties confirmed filing and exchange of their submissions at the last mention before the Court, on 22nd October 2025.

**The Court Finds:-**

10. There is really no credible response to the Claim. The Respondent conceded the Claim during the hearing. The witness for the Respondent explained in her evidence that the Respondent is experiencing a financial crunch. It has been deprived of capitation from the government. It owes suppliers Kshs. 9.2 billion. Due to this inability to meet its financial obligations, the Respondent was therefore hesitant, to have Judgment entered in favour of the Claimant.
11. It would seem to the Court that the Statement of Response, filed out of time albeit, with the consent of the Claimant, is intended merely to buy the Respondent time, to redress its huge financial hole.
12. The Court does not think this is the correct approach, in responding to the Claim. The Claimant rendered faithful service to the Respondent for 17 years, and needs his pension and other terminal benefits, in his retirement.
13. Having resigned in 2022, over 3 years ago, the Respondent ought to have come up with a plan for payment of the Claimant's dues, instead of waiting until he initiated this action.
14. The action having been initiated, and there being no credible response to the action, the Respondent ought to have conceded the action, and entered into agreement with the Claimant on an acceptable mode of satisfaction of the decree, instead of prolonging the dispute, and taxing judicial economy.

It is ordered: -

- a. The Claim is allowed.
- b. The Respondent shall pay to the Claimant unremitted pension at Kshs. 2,779,126; deferred payments at Kshs. 394,319.50; unremitted loan deductions at Kshs. 110,003,66; lost interest on the pension at Kshs. 574,992; and taxable benefits at Kshs. 494,314 – total Kshs. 4,352,755.16.
- c. Costs to the Claimant.
- d. Interest allowed at court rate, from the date of Judgment, till payment is made in full.

**DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, PURSUANT TO RULE 68[5] OF THE E&LRC [PROCEDURE] RULES, 2024, THIS 19TH DECEMBER 2025.**

**JAMES RIKA**

**JUDGE**

Court Assistant: Emmanuel Kiprono

Mirugi Kariuki & Company Advocates for the Claimant

Caroline Mbai Wainaina Deputy Chief State Counsel for the Respondent

