



**Ngusu v Board of Management Kyome Girls Secondary School & another
(Cause 2560 of 2016) [2026] KEELRC 70 (KLR) (26 January 2026) (Ruling)**

Neutral citation: [2026] KEELRC 70 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 2560 OF 2016
S RADIDO, J
JANUARY 26, 2026**

BETWEEN

LUCIA NGUSU CLAIMANT

AND

**BOARD OF MANAGEMENT KYOME GIRLS SECONDARY
SCHOOL 1ST RESPONDENT**

PRINCIPAL, KYOME GIRLS SECONDARY SCHOOL 2ND RESPONDENT

RULING

1. In a judgment delivered on 15 May 2024, the Court awarded Lucia Ngusu (the Claimant) Kshs 147,550/- on account of salary underpayments and Kshs 61,398/- being unpaid house allowance. The Court also ordered the deduction of one month's pay in lieu of notice and Kshs 20,000/- costs for a Counterclaim the Respondent succeeded in.
2. The Claimant also had her Costs taxed at Kshs 333,135/-, and because the Board of Management, Kyome Girls Secondary School (the Respondent) did not satisfy the decree, she moved to execute.
3. The execution prompted the Respondent to take out a Motion dated 10 November 2025, seeking orders:
 - i. ...
 - ii. ...
 - iii. this Honourable Court do issue a declaratory order that the execution by the Claimant/ Respondent is irregular, unprocedural and thus unlawful.



- iv. That this Honourable Court be pleased to set aside the Ruling by the Deputy Registrar of this Honourable Court delivered on 23rd July 2025 and remit the Bill of Costs by the Claimant/ Respondent dated 25th April 2025 for taxation afresh.
 - v. That this Honourable Court be pleased to allow the Respondent/applicant to pay the decretal sum and costs as shall be taxed by monthly instalments of Kshs 12,500/- or such other amount as the Honourable Court may deem just and fit to assess.
 - vi. That the costs of the application be provided for.
4. The grounds in support of the Motion were that the Court had not provided a hard copy of the judgment; the advocate only informed the Respondent of the judgment on 16 May 2024 but the awards in the judgment and letter to the Respondent were different; the Bill of Costs was not served upon the Respondent before taxation; the State Counsel who had the brief was seconded to another organisation leading to lack of proper communication; the Respondent was unable to conduct proper follow up because of the transfer of the then School Principal and expiry of the terms of the Board of Management; the Claimant snubbed efforts by the Respondent to negotiate a payment plan; the Claimant had declined part payment of Kshs 20,000/- in September 2025; the Claimant had started execution and attached the Respondent's school bus and other properties; the attachment amount of Kshs 908,328/- was erroneous; due process had not been followed in the execution process and that allowing the execution to proceed would paralyse the School.
 5. The Court gave directions on the Motion on 17 November 2025 and 24 November 2025.
 6. The Respondent filed submissions on 19 November 2025, and reiterated in the submissions the grounds in the Motion that notice of taxation was served directly upon the State Counsel with the brief through his email address after he had left on secondment and that the Rules of the Court did not allow for electronic service. The Respondent also urged that since the School was a public school, the provisions of the [Government Proceedings Act](#) were applicable.
 7. The Claimant filed a replying affidavit on 18 December 2025. The Claimant deponed in the affidavit that the Motion was without merit and a non-starter; she had a valid judgment; the Bill of Costs and a taxation notice had been served, and the Respondent was aware of all the proceedings; notice to settle the decree was served; the proceedings were available on the CTS platform; the Respondent did not fit within the definition of government in the [Government Proceedings Act](#); the proposal on settlement meant the decree would not be settled in reasonable time and that there had been inordinate delay in moving the Court.
 8. The Claimant filed her submissions on 18 December 2025, reiterating the assertions in the replying affidavit.
 9. The Court has considered the Motion, affidavits and submissions and makes the following determinations.
 10. One, a challenge to a taxation of a Bill of Costs is through a Reference commenced under a Chamber Summons and not a Notice of Motion.
 11. The challenge to the taxation is, therefore, incompetent and cannot be entertained by the Court.
 12. Two, the total award to the Claimant after deduction of one month's pay in lieu of notice and Kshs 20,000/- costs was Kshs 188,948/- together with interest.



13. Since the Claimant's costs were taxed at Kshs 333,135/-, the executable amount was Kshs 563,562/- as outlined in the application to execute filed on 29 October 2025.
14. Three, the warrants to execute signed by the Deputy Registrar had an amount of Kshs 908,328/-. The warrants included the taxed costs, which had already been provided for in the application to execute. This was either an error or a mistake on the part of the Deputy Registrar.
15. Four, a decree was issued and posted on the CTS system on 11 August 2025. It is not correct that a decree was not issued or served.
16. Five, the Respondent has not placed before the Court any authority to support its contention that section 21 of the *Government Proceedings Act* applies in execution against a public school or that a public school is part of the government for purposes of the Act.
17. Lastly, the Respondent has not demonstrated any efforts it took to settle the decree before the Claimant moved to execute.
18. The Respondent is therefore not deserving of the exercise of the Court's discretion on payment of the decretal sum in instalments.
19. The delivery of this Ruling has been brought forward with notice to the parties.

Orders

20. Save for an order directing the Deputy Registrar to issue fresh warrants showing the correct executable amount, the Court finds the Motion dated 10 November 2025 without merit, and it is dismissed.
21. No order on costs.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 26TH DAY OF JANUARY 2026.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For Claimant Florence Mwangangi & Co. Advocates

For Respondent Ms Mathenge, Chief State Counsel, Office of the Honourable the Attorney General

Court Assistant Wangu

