



Ochieng v Dedan Kimathi University of Technology (Cause E827 of 2025) [2026] KEELRC 130 (KLR) (27 January 2026) (Ruling)

Neutral citation: [2026] KEELRC 130 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E827 OF 2025
S RADIDO, J
JANUARY 27, 2026**

BETWEEN

CHARLES OTIENO OCHIENG CLAIMANT

AND

DEDAN KIMATHI UNIVERSITY OF TECHNOLOGY RESPONDENT

RULING

1. Charles Otieno Ochieng (the Claimant) sued Dedan Kimathi University of Technology (the Respondent) on 30 August 2025, alleging breach of contract (unpaid balances for part-time lectures and facilitation).
2. The Respondent settled the claim, but the parties could not agree on costs.
3. On 25 November 2025, the Court directed the parties to file and exchange submissions on the question of costs.
4. The Claimant filed his affidavit of evidence and submissions on 17 December 2025, and the Respondent filed an affidavit of evidence on 23 January 2026.
5. The Court has considered the submissions and makes the following determinations.
6. One, Rule 70 of the Employment and Labour Relations Court (Procedure) Rules, 2024 provides that the Court shall be guided by section 12(4) of the *Employment and Labour Relations Court Act* and the Advocates Remuneration Order in the award of costs.
7. Two, section 12(4) of the *Employment and Labour Relations Court Act* provides:
In proceedings under this Act, the Court may, subject to the rules, make such orders as to costs as the Court considers just.



8. Therefore, the Act gives this Court a discretion in the award of costs. The discretion should be exercised within the contours of justness or justice.
9. Three, the heads of claim presented by the Claimant related to services offered during the May–August 2017 and January – April 2018 semesters.
10. The Respondent admitted the existence of the claims through an email of 4 November 2024.
11. Four, the parties now acknowledge that the outstanding claims were paid in October 2025 after the Claimant served the Respondent with complete documentation.
12. Five, the Respondent made payment nearly 7 years after the payments became due. There was obviously a considerable delay in paying the Claimant for services offered.
13. Six, payment for employment services offered should be paid at the end of the month if the payment cycle is monthly, or reasonably soon after the services have been offered.
14. Although the parties have not disclosed the payment cycle, a delay of years and not months does not seem fair.
15. Consequently, the Court finds that the Respondent kept the Claimant out of his payments for an unreasonably long time, and it would only be just that it pays costs.
16. The delivery of this Ruling has been brought forward with notice to the parties.

Orders

17. The Claimant is awarded costs of the Cause, and unless the parties agree on the quantum, the Claimant is at liberty to file a Bill of Costs for taxation.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 27TH DAY OF JANUARY 2026.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For Claimant Odero & Gitau Advocates

For Respondent Gitibi Rukioyah Advocate

Court Assistant Wangu

