

**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT**  
**BUNGOMA**  
**CAUSE NO. 57 OF 2018**

**KAKAYI TOM MUKHWANA ..... CLAIMANT**

**-VERSUS-**

**KAKAMEGA COUNTY**

**PUBLIC SERVICE BOARD ..... RESPONDENT**

**(BEFORE HON. JUSTICE DAVID NDERITU)**

**RULING**

1. In a judgment dated and delivered on 14th July 2022 (Keli J.) the claimant was awarded as follows –

- i. A declaration that the 1<sup>st</sup> respondent's actions of suspending the claimant indefinitely without any payment and the failure to conclude the disciplinary proceedings against the claimant efficiently and expeditiously within 6 months as required under the Public Service Commission Human Resources and Procedures Manual of 2016 was unfair, unlawful and constituted an unfair labour practice by the respondents contrary to Article 41 of the constitution.*
- ii. The respondents to pay the claimant housing allowance for 6 months of Kshs.24,000 x 6 (months) = 144,000/-.*

**iii. The claimant is awarded compensation for unfair labour practice and unfair termination equivalent of 12 months salary thus 12 x Kshs.80,190/- total sum awarded Kshs.962,280/-.**

**iv. The claimant is granted unpaid transfer allowance at Kshs.48,190/-.**

**(All the above award amounts are subject to statutory deductions)**

**v. Interest is awarded at court rates from date of judgment until payment in full.**

**vi. The respondents to pay to the claimant costs of the claim.**

2. Subsequently, party and party costs were taxed at Kshs204,869.10 and a certificate of costs issued accordingly.

3. In a notice of motion (the application) dated 16th June 2025 filed through his lawyers on record, Wamalwa Simiyu & Company Advocates, the claimant is seeking for the following orders –

**1. That this Honourable court be pleased to issue a certificate of order and a certificate of order for costs against the County Government of Kakamega.**

**2. Costs.**

4. The application is expressed to be filed under **Order 29 Rule 3 of the Civil Procedure Rules** and **Section 21 of the Government Proceedings Act**. The claimant is also relying on any other provisions of the law that may allow the filing of an application of that nature.

5. The application is based on the grounds on the face of it and supported with the affidavit of the applicant sworn on even date with a copy of the decree annexed.
6. The application was served upon Onsango & Company Advocates for the respondent as per the affidavit of service on record but no response was filed.
7. What the claimant is seeking, and this is the gist of the application as per the grounds and the supporting affidavit, is a certificate of the order of the judgment and a certificate of the order on costs for him to take out execution proceedings against the respondent who has failed to honour and settle the decretal sum plus costs.
8. The court has perused the entire file, the judgment and the award and orders made therein, the certificate of costs, and indeed the application before the court. The court also notes and confirms that though duly served the respondent did not respond to the application.
9. The court is satisfied that the application has merits and the same is allowed as prayed. Consequently, a certificate of the order of the judgment and a certificate of order of costs shall issue accordingly against the respondent.

## **ORDERS**

***(i) The application by the claimant dated 16th June 2025 is hereby allowed as prayed.***

***(ii) Costs to the claimant.***

**DELIVERED VIRTUALLY, DATED, AND SIGNED AT  
KAKAMEGA THIS 5TH DAY OF FEBRUARY 2026.**

.....

**DAVID NDERITU**

**JUDGE**

ORIGINAL