



REPUBLIC OF KENYA



KENYA LAW
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**Ndung'u v Egerton University (Cause E023 of 2025)
[2026] KEELRC 886 (KLR) (31 March 2026) (Ruling)**

Neutral citation: [2026] KEELRC 886 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE E023 OF 2025**

J RIKA, J

MARCH 31, 2026

BETWEEN

DR QWEN NGUMI NDUNG'U CLAIMANT

AND

EGERTON UNIVERSITY RESPONDENT

RULING

1. Judgment was delivered in favour of the Claimant, in the sum of Kshs. 4,352,755.16 , on 19th December 2025.
2. He was granted costs.
3. He was granted interest at court rate, from the date of Judgment, till payment is satisfied in full.
4. He was granted all his prayers, including Kshs. 574,992, in unearned interest due to non-remission of pension.
5. The bulk of the Claim was pension funds, amounting to Kshs. 2,779,128, which was allowed.
6. Rather than focus on execution of the decree, he has filed an application dated 22nd January 2026, asking the Court to review and vary its Judgment, granting him interest from the date of filing Claim.
7. The application is founded on his affidavit, sworn on 22nd January 2026.
8. He submits that the Judgment contains an error apparent on the face of the record, namely that interest should accrue from the date of filing the Claim, rather than the date of Judgment.
9. He bases this argument on Section 26 of the *Civil Procedure Act*, and all the relevant provisions, of the *Employment and Labour Relations Court Act* and Rules.
10. There was no response to the application.



The Court Finds: -

11. Section 26 of the *Civil Procedure Act* does not impose an obligation on the Court, to grant interest, from the date of filing the Claim, in money decrees. It says the Court ‘ may.’
12. More relevant is Rule 70 of the E&LRC [Procedure] Rules, 2024, which regulates orders of costs and interest before this Court .
13. Rule 70[5] specifically deals with liquidated claims. It provides that in addition to awarding the liquidated claim, the Court may, direct that interest is paid on the liquidated claim. The operative word again is ‘may,’ and not ‘shall.’
14. Notably, Rule 70 [5] does not provide that interest on liquidated claims accrues from the date of filing the Claim. Whether interest is granted, and the date of accrual, are matters left to the discretion of the Court.
15. These Rules notwithstanding, it is clear that the Claimant asked for interest on pension funds, which was granted in the sum of Kshs. 574,992. It is included in the Judgment.
16. Further interest can only accrue, with regard to the period that the decree remains unsatisfied, which is from the date of the Judgment.

It is ordered: -

- a. The application dated 22nd January 2026 filed by the Claimant is rejected.
- b. No order on the costs.

DATED, SIGNED AND ISSUED ELECTRONICALLY AT NAKURU, THIS 31ST DAY OF MARCH 2026.

**JAMES RIKA
JUDGE**

