



**Sasai & 8 others v Narok County Government & another (Cause E050 of 2023) [2026] KEELRC 1127 (KLR) (30 April 2026) (Ruling)**

Neutral citation: [2026] KEELRC 1127 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU  
CAUSE E050 OF 2023**

**J RIKA, J  
APRIL 30, 2026**

**BETWEEN**

**JULIUS SASAI ..... 1<sup>ST</sup> CLAIMANT  
ELIZABETH LOLCHOKI ..... 2<sup>ND</sup> CLAIMANT  
EVERLINE KOYIAN ..... 3<sup>RD</sup> CLAIMANT  
JOSEPH KOILA ..... 4<sup>TH</sup> CLAIMANT  
GEORGE SUPEYO ..... 5<sup>TH</sup> CLAIMANT  
EZEKIEL RONOH ..... 6<sup>TH</sup> CLAIMANT  
CECILIA WAUPARI ..... 7<sup>TH</sup> CLAIMANT  
JOHANA CHERUYIOT ..... 8<sup>TH</sup> CLAIMANT  
FRED NTEKEREI ..... 9<sup>TH</sup> CLAIMANT**

**AND**

**NAROK COUNTY GOVERNMENT ..... 1<sup>ST</sup> RESPONDENT  
NAROK COUNTY PUBLIC SERVICE BOARD ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This Claim proceeded undefended.
2. Judgment was entered in favour of the Claimants, save for the 2<sup>nd</sup> Claimant, on 28<sup>th</sup> February 2025.
3. The Respondents filed an application dated 10<sup>th</sup> March 2025, asking the Court to set aside its Judgment; and, that they are granted unconditional leave to respond to the Claim.
4. The application is founded on the affidavit of Narok County Secretary, John Mayiani Tuya.



5. The copy of that affidavit availed to the Court is not commissioned, signed or dated.
6. In their submissions, the Respondents state that they were not heard. They have a constitutional right to be heard. They were negotiating the dispute out of Court, at the time hearing took place.
7. They submit that they were not served with the pleadings and hearing notice, while submitting that their previous Advocates failed to notify them about the status and progress of the matter. They state that they have a good response to the Claim, and should be given the opportunity to respond.
8. Parties agreed to have the application considered and determined on the strength of their pleadings, affidavits and submissions. The Claim was last mentioned on 27<sup>th</sup> February 2026, when the Parties confirmed filing and exchange of submissions.

**The Court Finds: -**

9. Parties have been appearing before the Court since 11<sup>th</sup> October 2023, and they have been represented by Counsel.
10. It was the Respondents' obligation to ensure that the Counsel they instructed, filed the necessary pleadings, and kept them updated on the progress of the dispute.
11. They cannot allege that they were denied the opportunity to be heard. They were availed all the pleadings, they instructed Counsel, and failure to respond to the Claim, cannot be blamed on the Claimants or the Court. The Respondent's right to be heard was not impaired. The opportunity to be heard was availed, pleadings having been served, in accordance with the E&LRC [Procedure] Rules, 2024.
12. It cannot be correct that the Respondents were not served with the Claimants' pleadings. They were served, and instructed Counsel. Counsel is recorded to have appeared before the Court. They would not be blaming Counsel for not notifying them about the status and progress of the matter, if they were unaware about the presence of such a matter.
13. The draft statement of response attached to the application, does not disclose an arguable case by the Respondents.
14. It is conceded in the draft that the Claimants were employed by the Respondents for 5 years as pleaded in the Claim. Their gratuity entitlement at the end of their service, is not contested. The amount due is not contested. The Respondents acknowledge indebtedness to the Claimants, and disclose that they were negotiating settlement, having paid the Claimants half the gratuity amounts demanded.
15. So, what is there to be responded to? What triable issues warrant reopening of the hearing?
16. The Judgment does not state anything outside what is conceded in the draft statement of response, and it would be pointless to reopen the hearing.
17. The Court reaffirmed that the Claimants are entitled to gratuity. The Respondents do not dispute this. If the Respondents have paid part of the gratuity, they only need to resume negotiations and complete payment, not seek to return to Court, for a purposeless litigation.
18. The application dated 10<sup>th</sup> March 2025 filed by the Respondents, has no merit.
19. It is dismissed, with costs to the successful Claimants [Decree-holders].

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAKURU, THIS 30TH DAY OF APRIL 2026.**



**JAMES RIKA**  
**JUDGE**

