



REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT KISII

CAUSE NO. E004 OF 2025

(FORMERLY KISUMU ELRC CAUSE E013 OF 2024)

ALICE MANOTI.....**CLAIMANT**

VERSUS

KISII COUNTY GOVERNMENT.....

.....**RESPONDENT**

JUDGMENT

1. The Claimant, Alice Manoti, instituted this suit against the Respondent, Kisii County Government, by way of a Memorandum of Claim dated 24th January 2024. She seeks, payment of unpaid salary for the period between 31st October 2018 and 12th March 2019 in the sum of Kshs. 604,300/-. She further claims interest on the said arrears at

the rate of 14% amounting to Kshs. 338,408/-, costs of the suit, and any other relief that this Court may deem fit to grant.

2. The Claimant's case is that she was initially employed by the National Government in the Ministry of Agriculture and Fisheries in 1995. She avers that she was seconded to the Respondent on 3rd March 2014, on the same terms as those under the National Government. She avers that this was followed by a further secondment to Nyamira County for a period of six years, from 15th October 2013 to 15th October 2018. Upon completion of the said secondment, the Claimant contends that she resumed duty with the Respondent on 30th October 2018 in the capacity of Principal Livestock Production Officer. It is her further case that, notwithstanding her resumption of duty and continued discharge of her responsibilities, the Respondent failed to pay her salary for the period running from November 2018 to March 2019. Following numerous complaints, the Claimant states that on 13th October 2022 the Respondent indicated that her salary would be processed upon approval by the Board. While

awaiting payment, her request for early retirement was approved with effect from 1st November 2022. She further avers that the Respondent subsequently confirmed that her claim for salary arrears for the period between 31st October 2018 and 12th March 2019 had been approved and that arrangements for payment were underway. However, despite this assurance, no payment has been made to date.

3. The Respondent entered appearance but did not file a defence. Following a protracted period of negotiations aimed at an amicable settlement, which ultimately proved unsuccessful, this Court, on 26th March 2025, entered judgment in favour of the Claimant in the sum of Kshs. 464,198/-, being the amount expressly acknowledged by the Respondent. The Court directed that the said sum be paid within thirty (30) days, leaving a balance of Kshs. 140,112/- to be determined. The Claimant was accordingly directed to file supporting documents and submissions in respect of the outstanding balance, after which the Respondent would be at liberty to file its submissions upon service. However, despite the matter being mentioned on several occasions to confirm

compliance, namely on 17th June 2025, 4th August 2025, 8th September 2025, 15th October 2025, 11th February 2026, 24th February 2026, and 13th April 2026 no submissions have been filed by either party.

Disposition

4. It is apparent that there is no evidence for the claim relating to the sum of Kshs. 140,112/-. The Claimant did not avail any documents to support this sum and the Court is unable to order the Respondent to pay for sums that are unsupported by evidence. As such the Court orders the claim herein to be marked closed as the Claimant's pursuits have resulted in a partial award that is now final. The Court makes no orders as to costs since neither the Claimant nor the Respondent have been keen to have this case concluded. Final order is that the suit be marked closed, no order as to costs.

It is so ordered.

Dated and delivered at Kisii this 12th day of May 2026

**Nzioki wa Makau, MCI Arb.
JUDGE**