



Kamwaro v Narok County Government & another (Cause E011 of 2024) [2025] KEELRC 984 (KLR) (28 March 2025) (Judgment)

Neutral citation: [2025] KEELRC 984 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE E011 OF 2024
J RIKA, J
MARCH 28, 2025**

BETWEEN

ANTHONY KARIUKI KAMWARO CLAIMANT

AND

NAROK COUNTY GOVERNMENT 1ST RESPONDENT

NAROK COUNTY PUBLIC SERVICE BOARD 2ND RESPONDENT

JUDGMENT

1. The Claimant filed his Statement of Claim on 26th February 2024.
2. He avers that he worked for the Respondents, as a Director Communication Services and Protocol.
3. He worked from December 2017, to December 2020, when his contract was terminated on mutual terms.
4. His claim is that he was entitled to gratuity upon termination, which was never paid.
5. His monthly salary was Kshs. 139,770. The contract granted him gratuity, computed at 31% of the total salary earned over the period of service. In total, gratuity is claimed at Kshs. 1,429,447.
6. He prays for costs and interest, and rather incoherently, that “gratuity amounts are paid in observance of the rules of taxation...”
7. The Respondents did not enter appearance or file a Statement of Response.
8. On 29th October 2024, the Claimant informed the Court that he had received about Kshs. 1 million in part-settlement.



9. He gave evidence on formal proof, on 19th November 2024. He restated the contents of his Statements of Claim and Witness. He did not clarify to the Court how much money he had received from the Respondents in settlement, as of the date he gave evidence.
10. The Claim was last mentioned on 23rd January 2025, when the Claimant confirmed filing and service of his Submissions.
11. And although he informed the Court, on 29th October 2024, that he had received about Kshs. 1 million from the Respondents, in his Submissions filed in January 2025, he retains the prayer for the full gratuity claim, at Kshs. 1,429,447.
12. He cannot be owed this amount, if he has already received Kshs. 1 million. He ought to have been candid with the Court in his evidence, and give clear figures, on the amount received and outstanding.

It is ordered: -

- a. The Respondents shall pay to the Claimant the balance of his gratuity entitlement if any, and in any event no more than Kshs. 429,447.
- b. No order on the costs.
- c. Interest shall accrue at court rate, from the date of Judgment, till payment is made in full.

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, THIS 28TH DAY OF MARCH 2025.

JAMES RIKA

JUDGE

