



**Tallam & 72 others v Teachers Service Commission (Cause
25 of 2022) [2025] KEELRC 1164 (KLR) (25 April 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1164 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE 25 OF 2022**

J RIKA, J

APRIL 25, 2025

BETWEEN

JOHN C TALLAM 1ST CLAIMANT
JANE CHEMELI 2ND CLAIMANT
JULIUS K ROTICH 3RD CLAIMANT
SOPHIA NYAAYO 4TH CLAIMANT
CAROLINE CHEPKOECH 5TH CLAIMANT
CAROLINE CHEMUTAI 6TH CLAIMANT
ABRAHAM KARANJA 7TH CLAIMANT
RICHARD K LANGAT 8TH CLAIMANT
JEREMIAH MWANGI MAINA 9TH CLAIMANT
SAMMY M NGUGI 10TH CLAIMANT
MISHRAM K GIKONYO 11TH CLAIMANT
JANE KEMUNTO OBUYA 12TH CLAIMANT
JUDY W MWANIKI 13TH CLAIMANT
REGINA N MWANGI 14TH CLAIMANT
JOSEPH K KURIA 15TH CLAIMANT
TORORE J MOMANYI 16TH CLAIMANT
PATRICK W WANJOHI 17TH CLAIMANT
LYDIA W GICHIMU 18TH CLAIMANT
JENIFFER W KAMAU 19TH CLAIMANT



ELIZABETH MAGANJO	20 TH CLAIMANT
RUTH W THAIRU	21 ST CLAIMANT
RUTH N THUO	22 ND CLAIMANT
AGNES WANGARI	23 RD CLAIMANT
ANNE M KANYI	24 TH CLAIMANT
VIRGINIA W KAMAU	25 TH CLAIMANT
DAVID MUTAI	26 TH CLAIMANT
BERNARD CHEBBE	27 TH CLAIMANT
MARY NYAGA	28 TH CLAIMANT
ESTHER TINEGA	29 TH CLAIMANT
MIRRIAM WANJUGU	30 TH CLAIMANT
PERIS NYAKOYIA	31 ST CLAIMANT
EVERLYNE MATHENGE	32 ND CLAIMANT
HERINE ATIENO	33 RD CLAIMANT
EMILY WARINGA	34 TH CLAIMANT
CAROLINE ODEYO	35 TH CLAIMANT
IRENE DIKIRR	36 TH CLAIMANT
PAULINE KIBINGE	37 TH CLAIMANT
JUDITH OGAM	38 TH CLAIMANT
JOSEPH KARANJA	39 TH CLAIMANT
ELIZABETH CHERUTICH	40 TH CLAIMANT
JOYCE NJAAGA	41 ST CLAIMANT
NELSON KEMONI	42 ND CLAIMANT
HELLEN OYUNGE	43 RD CLAIMANT
PATRICIA SAGWE	44 TH CLAIMANT
DAVID TOO	45 TH CLAIMANT
FRIDAH K MEMBA	46 TH CLAIMANT
ROSE MUTHONI NJOGU	47 TH CLAIMANT
SAMUEL A KASABULI	48 TH CLAIMANT
RUTH W NJOROGE	49 TH CLAIMANT
JOSHUA NJOROGE MBURU	50 TH CLAIMANT
EVERLYNE NYABOKE OYIOKA	51 ST CLAIMANT



MILLICENT MUGO	52 ND CLAIMANT
JOSEPH KARANJA	53 RD CLAIMANT
ESTHER N TINEGA	54 TH CLAIMANT
CAROLINE AKOTH MHANDO	55 TH CLAIMANT
BEATRICE WAKWE	56 TH CLAIMANT
RACHEL LEWENEI	57 TH CLAIMANT
WILKISTER OMBAGI	58 TH CLAIMANT
TERESIA NJAU	59 TH CLAIMANT
RISPER NYAMEMBA	60 TH CLAIMANT
JOSIAH KIRUBI NJOROGE	61 ST CLAIMANT
CHRISTINE W WACHANIA	62 ND CLAIMANT
NANCY N MAINA	63 RD CLAIMANT
JOYCE W WACHIRA	64 TH CLAIMANT
CONSOLATA N NGIGI	65 TH CLAIMANT
ESTHER M WACHIRA	66 TH CLAIMANT
LUCY D LEMAYIAN	67 TH CLAIMANT
JANE M NYABERA	68 TH CLAIMANT
BEATRICE N KING'ORI	69 TH CLAIMANT
CATHERINE M KIMANI	70 TH CLAIMANT
ZIPPORAH K NTENGERI	71 ST CLAIMANT
ALICE NGIGE	72 ND CLAIMANT
MUCHOKI M BERNARD	73 RD CLAIMANT

AND

TEACHERS SERVICE COMMISSION RESPONDENT

RULING

1. The Claimants are Teachers, Employees of the Respondent, working on permanent and pensionable terms, within the County of Nakuru.
2. They filed a Statement of Claim, dated 29th June 2022.
3. Their grievance is that the Respondent, underpaid their house allowance, from July 2019 to October 2019. They pray the Court for: -
 - a. Declaration that underpayment is unlawful, null and void.



- b. Payment of Kshs. 20,496,000 in arrears of house allowance.
 - c. Declaration that the outcome of this Claim, shall apply to all affected Teachers.
 - d. Costs.
 - e. Interest
 - f. Any other suitable relief.
4. The Claimants subsequently filed an application dated 16th May 2024, seeking leave to amend their Statement of Claim, to include 118 other Teachers.
 5. The application is founded on the affidavit of the lead Claimant, John C. Tallam, sworn on 16th May 2024. He explains that the Teachers intended to be included, have the same grievances as the current Claimants.
 6. The Respondent opposes the application, relying on the affidavit of its Director, Human Resource Management, Kenneth Marangu, sworn on 11th November 2024.
 7. Kenneth states that the application is res judicata. The issues were adjudicated between the Parties, in a previous application, dated 12th July 2023. The Court ruled that the issue in dispute should be resolved administratively. The Court reiterated that computation of house allowance is a continuous administrative process, which cannot be micromanaged through the Court.
 8. The Claim has been mentioned before the Court severally, to confirm that the Claimants [original], have correctly been mapped into the system, and are earning their correct house allowance. The application is in abuse of the doctrine of finality, the Court having ruled on the issue. The Respondent prays the Court to dismiss the application.

The Court Finds: -

9. There is nothing on record, to suggest that the doctrines of finality and res judicata, invoked by the Respondent, are applicable to the application dated 16th May 2024.
10. The Claim has not been heard, and the substantive dispute is still pending before the Court.
11. The Respondent has not exhibited a Judgment or Ruling of the Court, which addressed the prayers in the Statement of Claim, referenced at paragraph 3 of this Ruling.
12. Rule 23 of the E&LRC [Procedure] Rules, 2024, allows Parties with a similar cause of action to institute a collective Claim. Rule 34 allows for amendment of pleadings. After the close of pleadings, a Party shall only amend its pleadings with the leave of the Court.
13. Although the Claimants have invoked Order 1 Rule 1 and 9, and Order 8 Rule 3 of the Civil Procedure Rules, which are not applicable to the E&LRC, the orders sought are permissible, under the E&LRC [Procedure] 2024, Rules 23 and 34.

It is ordered: -

- a. The Claimants are granted leave to amend their Statement of Claim within 14 days, bringing in additional Claimants.
- b. The Respondent shall have 14 days from the date of service, to file and serve amended Statement of Response.



- c. Parties to thereafter, schedule the full Claim for hearing.
- d. Costs in the cause.

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAKURU, THIS
25TH DAY OF APRIL 2025.**

James Rika

Judge

