



**Ngari v Kenya Meat Commission (Cause 64 of 2019)  
[2025] KEELRC 1588 (KLR) (30 May 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1588 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE 64 OF 2019  
SC RUTTO, J  
MAY 30, 2025**

**BETWEEN**

**ESTHER NJERI NGARI ..... CLAIMANT**

**AND**

**KENYA MEAT COMMISSION ..... RESPONDENT**

**RULING**

1. What comes up for determination is the Claimant/Applicant's Notice of Motion dated 1<sup>st</sup> July 2024, through which she seeks review of the Court's Judgment delivered on 9<sup>th</sup> June 2023. The prayers sought by the Claimant are as follows:
  1. Spent.
  2. Spent.
  3. That this Honourable Court be pleased to set aside the order made on 20<sup>th</sup> June 2024 by her Honourable Aziza Ajwang, that the case be closed.
  4. That this Honourable Court be pleased to correct typographical errors contained in paragraph e of the judgment delivered herein on 9<sup>th</sup> June, 2023 and also paragraph e of the decree issued on 6<sup>th</sup> December 2023 by substituting Kshs.2,734,250 for Kshs.1,604,250.
  5. That this Honourable Court be pleased to correct typographical errors contained in paragraph g of the judgment delivered herein on 9<sup>th</sup> June, 2023 and also paragraph g of the decree issued on 6<sup>th</sup> December 2023 by substituting Kshs.11,608,575 for Kshs.9.023,575.
  6. That each party bears its own costs.
2. The Notice of Motion is premised on the grounds set out on the face thereof and the Affidavit of Ms. Esther Macharia Ngari, the Claimant herein. Grounds in support of the Motion are that, according



to the judgment delivered by this Court on 9<sup>th</sup> June 2023, the Claimant was awarded full salary and allowances from 9<sup>th</sup> April 2018 up to 15<sup>th</sup> April 2019. That as of 9<sup>th</sup> April 2018, the Claimant's monthly salary and allowances were Kshs 265,000/= . That according to arithmetic, the Claimant's entitlement is Kshs 2,724,250/= and not Kshs 1,604,250/= as stated in both the judgment and decree.

3. The Claimant further deposes that the consequence of correcting the mistake is that the total amount due to her as per paragraph (g) of the decree is Kshs 11,608,575/=.
4. She further avers that on 20<sup>th</sup> June 2024, the Court taxed her bill of costs at Kshs 705,000/= and ordered that the case be closed.
5. In response to the Claimant's Application, Mr. Anothony Ademba, the Respondent's Chief Legal Officer, swore a Replying Affidavit dated 25<sup>th</sup> March 2025.
6. Mr. Ademba deposes that the Respondent is not opposed to the generality of the Claimant's averments as advanced in the Notice of Motion, save for the following key arithmetic inconsistencies;
  - a. The Claimant vide prayer No. 4 for substitution of the amount stated in paragraph (e) of the judgment dated 9<sup>th</sup> June 2023 (and the ensuing decree) from reading Kshs 1,604,250/= to reading Kshs 2,734,250/= but whose computation as per paragraph (f), (i) and (n) thereof totals to the sum of Kshs 2,724,250/=.
  - b. The Claimant vide prayer No. 5 prays for substitution of the amount stated in paragraph (g) of the judgment dated 9<sup>th</sup> June 2023 (and the ensuing decree) from reading Kshs 9,023,575/= to reading Kshs 11,608,575/= but whose computation after accounting for the substitution introduced at paragraph (e) totals Kshs 10,143,575/=.
7. Mr. Ademba further deposes that the gross total of the Claimant's monetary dues as per the judgment dated 9<sup>th</sup> June 2023, having accounted for the abovementioned corrections, is Kshs 10,143,575/=.
8. The Court has paid due consideration to the instant Notice of Motion and the Respondent's Replying Affidavit and it is evident that the singular issue arising for determination is whether the Motion is merited.
9. Rule 74 of the Employment and Labour Relations Court (Procedure) Rules, 2024 allows this Court to review its orders if the following grounds exist: -
  - a. if there is discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of that person or could not be produced by that person at the time when the decree was passed or the order made;
  - b. on account of some mistake or error apparent on the face of the record;
  - c. if the judgment or ruling requires clarification; or
  - d. for any other sufficient reason.
10. In the case herein, it is apparent that the review sought by the Claimant is with respect to arithmetic computations, hence it is not in doubt that the application falls within the ambit of Rule 74 aforesaid.
11. In the judgment which was delivered on 9<sup>th</sup> June 2023, the Court found that the Claimant was entitled to full salary and allowances from 9<sup>th</sup> April 2018 up to 15<sup>th</sup> April 2019 and to this end, awarded her the sum of Kshs 1,604,250.00.



12. Upon fresh computation, it is apparent that the total sum of the Claimant's salary and allowances from 9<sup>th</sup> April 2018 up to 15<sup>th</sup> April 2019 is Kshs 2,724,250.00 as opposed to Kshs 1,604,250.00 entered in the judgment. This figure is also at variance with Kshs 2,734,250.00 stated under prayer 4 of the instant Notice of Motion.
13. In light of the foregoing, it is clear that there is an error apparent on the face of the record hence the Claimant's Application is meritorious. However, I must add that the Court has not deciphered the manner in which the Claimant arrived at the computation at paragraph (g) in the sum of Kshs 11,608,575.00. I say so bearing in mind that the awards at paragraphs (c), (d) and (f) of the judgment dated 9<sup>th</sup> June 2023, remain unchanged.
14. To this end, the Claimant's Notice of Motion dated 1<sup>st</sup> July 2014 is hereby allowed as follows:
  - a. Paragraph (e) of the Judgment delivered on 9<sup>th</sup> June 2023 is hereby reviewed to the extent that the salary and allowances due to the Claimant from 9<sup>th</sup> April 2018 up to 15<sup>th</sup> April 2019 is Kshs 2,724,250.00.
  - b. As a consequence of the review under paragraph (e), the Claimant's total award at paragraph (g) is reviewed to Kshs 10,143,575.00.
  - c. The decree shall be reviewed accordingly to reflect the review of the Court's final orders as above.
15. There will be no orders as to costs.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 30<sup>TH</sup> DAY OF MAY, 2025.**

.....

**STELLA RUTTO**

**JUDGE**

In the presence of:

For the Claimant/Applicant Mr. Mwenda instructed by Dr. Kamau SC

For the Respondent Mr. Masawi instructed by Mr. Macharia

Court Assistant Millicent

**ORDER**

In view of the declaration of measures restricting court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15<sup>th</sup> March 2020 and subsequent directions of 21<sup>st</sup> April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open court. In permitting this course, this court had been guided by Article 159(2)(d) of *the Constitution* which requires the court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of *the Constitution* and the provisions of Section 1B of the *Civil Procedure Act* (Chapter 21 of the Laws of Kenya) which impose on this court the duty of the court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

**STELLA RUTTO**

**JUDGE**

