



Wangai v Tsimbiri & 10 others (Cause 11 of 2020 & 224 of 2017 (Consolidated)) [2025] KEELRC 1581 (KLR) (30 May 2025) (Ruling)

Neutral citation: [2025] KEELRC 1581 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE 11 OF 2020 & 224 OF 2017 (CONSOLIDATED)**

**J RIKA, J
MAY 30, 2025**

BETWEEN

KIAMA WANGAI CLAIMANT

AND

PAMELA TSIMBIRI 1ST RESPONDENT

TITUS NGANDA 2ND RESPONDENT

ELIZABETH K. MBUTHIA 3RD RESPONDENT

KENNETH MBAATI 4TH RESPONDENT

V .M .KIPRONO 5TH RESPONDENT

CEASER MUNGATANA 6TH RESPONDENT

KENNEDY GOGO 7TH RESPONDENT

S.O. OBURE 8TH RESPONDENT

T.K. SEREM 9TH RESPONDENT

JANET C. BII 10TH RESPONDENT

EGERTON UNIVERSITY 11TH RESPONDENT

RULING

Cause No. 224 of 2017

1. The Claimant obtained Judgment against the 11th Respondent in E&LRC Cause No. 224 of 2017, on 24th January 2019.



2. The University was ordered to reinstate the Claimant to his position as a Senior Lecturer, without loss of benefits.
3. The University reinstated the Claimant, but appears not to have done so, without loss of benefits.
4. On 14th September 2021, the parties computed these benefits at Kshs. 16,772,916, which was to be paid at Kshs. 500,000 monthly.
5. The Claimant's position is that the University owes him Kshs. 13,163,512, which continues to attract interest at the rate of 14% per annum.

Cause No. 11 of 2020.

6. This Cause was initiated by the Claimant against the University and its Staff. The Claimant pursued general damages for defamation, alleging that leading up to termination of his employment [subject matter of reinstatement in Cause No. 224 of 2017], the University and its Staff, defamed him, by alleging that the Claimant was engaged in insubordination, sexual impropriety and academic intimidation of students.
7. The Claim was dismissed with costs to the Respondents, in a Judgment delivered on 12th April 2023.
8. These costs were assessed at Kshs. 661,881.
9. The Respondents have applied for attachment of the Claimant's salary, in recovery of their costs.
10. The Claimant submits that the costs awarded to the Respondents, should be recovered from the sum of Kshs. 13,183,512 owed by the University to him.
11. The Court directed on 24th April 2025 that the files are placed together, to enable the Court make this consolidated ruling.
12. Parties were directed to file and exchange written submissions.

The Court Finds: -

13. The Claimant and the University are parties to both Claims.
14. The persons named as Co-Respondents in Cause No. 11 of 2020, are Employees of the University.
15. It is not prudent for the University and its Employees to seek to attach the Claimant's salary for recovery of costs, while the University has not satisfied decree in Cause No. 224 of 2017, made in favour of the Claimant.
16. The University does not dispute that it agreed with the Claimant, that it owed him Kshs. 16,772,916, which was to be liquidated in monthly instalments of Kshs. 500,000. It is not disputed that the decree has not been satisfied in full.
17. Parties indeed, ought to have risen above their egos, and settled this simple arithmetic dispute at their own level, instead of coming back to Court incessantly, and taxing judicial economy. The Court has dealt with the substantive and secondary disputes between the Parties, and the Deputy Registrar should flag these 2 files for closure, as soon as practicable.

It is Ordered: -

- a. The University and its Co-Respondents shall recover their costs in Cause No. 11 of 2020, from the decretal sum held in favour of the Claimant by the University, in Cause No. 224 of 2017.



- b. The Claimant may proceed to execute on his balance, if the University fails to honour the terms of the consent dated 14th September 2021.
- c. The files are deconsolidated.
- d. A copy of the ruling be placed on both files.

DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAKURU THIS 30TH DAY OF MAY 2025.

JAMES RIKA

JUDGE

