



**Council, Kisii University & another v Ouma (Appeal  
E030 of 2023) [2025] KEELRC 1332 (KLR) (7 May 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1332 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU  
APPEAL E030 OF 2023**

**JK GAKERI, J**

**MAY 7, 2025**

**BETWEEN**

**THE COUNCIL, KISII UNIVERSITY ..... 1<sup>ST</sup> APPELLANT**

**THE VICE CHANCELLOR, KISII UNIVERSITY ..... 2<sup>ND</sup> APPELLANT**

**AND**

**ONYANGO PETER OUMA ..... RESPONDENT**

**RULING**

1. In its Judgment delivered on 23<sup>rd</sup> October, 2024, the court directed the parties to tabulate the respondent's entitlements for all course units taught and examined in 2017, within 30 days for adoption by the court.
2. However, after not less than four (4) mentions without progressing the matter any further, the court found it appropriate to tabulate the respondent's entitlements and made it known to the respondent's counsel who was present in court on 31<sup>st</sup> March, 2025.
3. This decision was actuated by the fact that none of the parties had demonstrated urgency in having the matter concluded by filing its tabulation in court.
4. The appellant's letter dated 27<sup>th</sup> March, 2025 had not tabulation but a figure of Kshs.28,000 and makes no reference to the respondent's entitlements for 2017 since he rendered services until 17<sup>th</sup> October, 2017.
5. Strangely, although the respondent's counsel informed the court that he had forwarded his computation to the appellant, none was filed. He orally informed the court that the figure was Kshs.1,053,816.00.



6. Analogous to Appeal No. E31 of 2023, all appointment letters of the respondent were issued retroactively, for unexplained reasons, other than less than optimal administration of part-time teaching at the institution.

A few illustrations will suffice.

Date of Letter of Appointment	Course (units)	Semester	
1.	20 <sup>th</sup> February, 2017	PHIL:EDFO:121 & 104	May – August 2016
2.	8 <sup>th</sup> May, 2017	PHIL:104, 105 & 101	May – August 2016
3.	8 <sup>th</sup> May, 2017	PHIL:104	1 <sup>st</sup> April – 30 <sup>th</sup> April 2016
4.	12 <sup>th</sup> October, 2017	BCOM: Business Ethics	January – April 2017
5.	17 <sup>th</sup> October, 2017	EDFO:121 PHIL:104 EDFO:112	January – April 2017

7. These letters show that the respondent rendered services at the Faculty of Education and Human Resource Development, Faculty of Information Science and Technology and the School of Business and Economics, and received and signed the letters in 2018 save for the one dated 8<sup>th</sup> May, 2017 (No. 2 above) and only the last two (2) letters related to services rendered in 2017.
8. In addition, the appellant filed a large number of examination attendance sheets and examination results list of students in various courses as shown below.

Semester	Unit/Course	Degree/Diploma	No. of students
January to April 2017	PHIL 101	Degree	3
May – August 2017	PHIL 04	FASS/FIST	4
January – April 2017	EDFO/112	Degree	01
January – April 2017	PHIL 105	Degree	01
January – April 2017	BCOM 403	Degree	11
May – August 2017	BCOM 403	Degree	16



9. Similarly, a summary capturing all the courses/units taught from 2014 – 2017 reveals that in 2017 the respondent instructed students in 6 units as demonstrated elsewhere in this ruling by their examination results.
10. Assuming the respondent instructed students in the 6 units/courses only, all of which were in degree programmes, the amount due to him was Kshs.140,000.00.
11. Regrettably, all the examination attendance sheets availed relate to courses taught and examined before 2017.
12. The upshot of the foregoing is that the respondent's entitlements for courses/units taught in 2017 are computed at Kshs.140,000.00, which amount the court hereby awards.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT KISUMU ON THIS 7<sup>TH</sup> DAY OF MAY 2025**

**DR. JACOB GAKERI**

**JUDGE**

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 has 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.

