



REPUBLIC OF KENYA



**KENYA LAW**  
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**Wandaba & 11 others v County Government of Bungoma (Employment and Labour Relations Cause 7 of 2017) [2025] KEELRC 1855 (KLR) (26 June 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1855 (KLR)

**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**EMPLOYMENT AND LABOUR RELATIONS CAUSE 7 OF 2017**

**MN NDUMA, J**

**JUNE 26, 2025**

**BETWEEN**

**ELIUD NYONGESA WANDABA ..... 1<sup>ST</sup> CLAIMANT**  
**FOBIAS ODWOR NYONGESA ..... 2<sup>ND</sup> CLAIMANT**  
**JAFRED OTUNGA BARASA ..... 3<sup>RD</sup> CLAIMANT**  
**NELSON OBIERO WESONGA ..... 4<sup>TH</sup> CLAIMANT**  
**ALFRED MUHUYI NYONGESA ..... 5<sup>TH</sup> CLAIMANT**  
**BENARD WANYONYI NAKITARI ..... 6<sup>TH</sup> CLAIMANT**  
**KENNEDY WANJALA SIPANGILI ..... 7<sup>TH</sup> CLAIMANT**  
**JUDITH NAFULA OTSIULA ..... 8<sup>TH</sup> CLAIMANT**  
**FRIDA MAHEVO LISIRU ..... 9<sup>TH</sup> CLAIMANT**  
**MARGARET KARANI ITEKE ..... 10<sup>TH</sup> CLAIMANT**  
**ALINAH WANG'AA SHIRONYO ..... 11<sup>TH</sup> CLAIMANT**  
**FLORENCE MANDE OMUNZE ..... 12<sup>TH</sup> CLAIMANT**

**AND**

**THE COUNTY GOVERNMENT OF BUNGOMA ..... RESPONDENT**



## RULING

1. The Court of Appeal sitting at Kisumu in Civil Appeal No. 121 of 2018 delivered a judgment on 3/2/2023 in which it gave the following final orders:

“Accordingly, I am satisfied that the appeal has merit only to the limited extent that the damages awarded are not ascertainable. I would propose that the appeal be allowed only to that extent and that the case be remitted back to the same Judge of the Superior Court who determined it so that the learned Judge can clarify with ascertainable specificity the damages assessed. All the other aspects of the judgement and orders of the Superior Court remain undisturbed. I would also propose that there be no order as to costs in view of the partial success of the appeal.”

2. The only task by this court therefore is to ascertain specific damages assessed by this court in the judgment dated 27/7/2018. The court made the following final order in the said judgment: -

“18 The Claimants have proved their case on a balance of probability and the court enters judgement in their favour as against the Respondent as follows: -

- a. The Respondent is compelled and directed to unconditionally absorb the Claimants as Youth Polytechnic Instructors for service within Bungoma County.
- b. The Respondent is directed to pay all arrear salary as computed in schedule 15 to the Claim within 30 days of judgement.
- c. The arrear salary be paid with interest at court rates from date of filing suit till payment in full.
- d. The Respondent to pay costs of the suit.”

3. The court directed the Respondent to pay the Claimants “arrear salary” for the months lost while out of duty to the date of the judgment.
4. The court found that each of the Claimants have a letter of appointment giving details of their terms and conditions of service.
5. The court found that the Claimants had not received their monthly salary since the month of September 2014 when the County Government of Bungoma took over the running of all polytechnics. The court found at paragraph 3 of the judgment: -

“Since then, all the Claimants have received no pay from the County Government.”

6. The court also found at paragraph 7 of the judgment that each Claimant earned Kshs. 3,870.00 per month.
7. It is implicit in the said judgment that each Claimant is entitled to payment of Kshs. 3,890.00 per month from September 2014 to the date of the judgment being 27<sup>th</sup> July 2018.
8. The court therefore clarifies the judgment as directed by the Court of Appeal that each Claimant is to be paid accordingly, in the sum of Kshs. (3,890 x 47 months) = kshs. 182,830.00.



9. Final clarification of judgment is as follows therefore: -
- a. Each Claimant to be paid kshs. 182,830.00
  - b. Interest at court rates from date of judgment till payment in full.
  - c. Costs of the suit

**DATED AT NAIROBI THIS 26<sup>TH</sup> DAY OF JUNE 2025**

**MATHEWS NDUMA**

**JUDGE**

Appearance:

Mr. Byram Otsiula Advocate for Claimants

Mr. Kituyi, Advocate for Respondent

Mr. Kemboi – Court Assistant

