



Achuti & 29 others v County Government of Nakuru & another (Cause E039 of 2022) [2025] KEELRC 2262 (KLR) (30 July 2025) (Ruling)

Neutral citation: [2025] KEELRC 2262 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE E039 OF 2022**

**J RIKA, J
JULY 30, 2025**

BETWEEN

REBECCA BITENGO ACHUTI & 29 OTHERS CLAIMANT

AND

COUNTY GOVERNMENT OF NAKURU 1ST RESPONDENT

NAKURU COUNTY PUBLIC SERVICE BOARD 2ND RESPONDENT

RULING

1. In its Judgment delivered on 31st October 2023, the Court [Wasilwa J] granted Judgment in favour of the Claimants for notice, gratuity, compensation for unfair termination, and costs.
2. The Claimants had prayed for interest, but the Judgment was silent on the prayer.
3. This has prompted the Claimants to return to Court, with an application dated 24th February 2025. They pray the Court to review its Judgment, and award interest at the rate of 6% per annum, in favour of each Claimant.
4. The application is founded on the affidavit of Counsel for the Claimants, Wanjiru Gitau. She explains that the Claimants have never been paid what was awarded to them. The Respondents have been filing all manner of applications to delay satisfaction of the decree. An application lodged at the Court of Appeal for stay of execution of the decree, was withdrawn on 10th December 2024, bringing to an end the series of applications, holding back the Claimants from enjoying the fruits of their litigation.
5. Ms. Gitau submits that the Claimants are entitled to interest at 6% per annum, in accordance with Section 26[2] of the *Civil Procedure Act*.
6. The Respondents oppose the application through their grounds, dated 9th June 2025.



7. They state that the Claimants, have not established any grounds under Order 45 Rule 1 of the Civil Procedure Rules, to warrant review. There is no error or mistake apparent on the face of the record. There is no sufficient reason. The Judgment on record is clear, and does not warrant review.
8. Parties agreed at the last appearance, on 24th June 2025, that the Court relies on the affidavit and grounds of opposition, in preparation of its ruling.

The Court Finds: -

9. The Claimants prayed for interest, in their Statement of Claim.
10. The Judgment on record is silent, neither granting, nor denying an order for interest.
11. Judgment was delivered on 31st October 2023, and has not been satisfied to-date.
12. The Respondents indicated that they intended to lodge an appeal, filed an application at the Court of Appeal for stay of execution of decree, an application which has since been withdrawn.
13. The law, specifically Section 26 [2] of the *Civil Procedure Act*, states that where Judgment is silent on payment of interest, the Court shall be deemed to have ordered interest at 6% per annum, from the date of the Judgment.
14. The Claimants, having expressly prayed for an order of interest, were entitled to an adjudication of their prayer, by the Court in its Judgment.
15. The Respondents' delay in satisfying the principal amounts, cannot have been intended to not result in accrual of interest. Section 26 [2] of the *Civil Procedure Act* applies in correcting Judgments which are silent on award of interest, particularly where a party has expressly applied for interest in its pleadings.
16. Decisions of this Court are regulated under Part X1 of the E&LRC [Procedure] Rules, 2024. The Court must consider all relevant facts and determine all issues placed before it.
17. Rule 68[1] [f] of the E&LRC [Procedure] Rules, allows the Court to issue, at any time, an order for payment of interest on any principal amount awarded by the Court.
18. The Claimants have shown that the omission of an order for interest in the Judgment, is an error or mistake apparent on the face of the record, or at the very least, that there is sufficient reason under Rules 74 [1] [b] and [d], to warrant review of Judgment.
19. The Respondents have had adequate time to satisfy the Judgment, without interest, but they opted to delay settlement. An order for payment of interest is merited, under Rule 68 [1] [f] of the E&LRC [Procedure] Rules, 2024, read together with Section 26 [2] of the *Civil Procedure Act*.

It Is Ordered: -

- a. The application filed by the Claimants dated 24th February 2025 is allowed.
- b. Costs to the Claimants.

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU THIS 30TH DAY OF JULY 2025.

**JAMES RIKA
JUDGE**

