



Njoroge v Avic International Holding Corporation (Employment and Labour Relations Appeal E025 of 2023) [2025] KEELRC 2226 (KLR) (23 July 2025) (Ruling)

Neutral citation: [2025] KEELRC 2226 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS APPEAL E025 OF 2023**

DKN MARETE, J

JULY 23, 2025

BETWEEN

JONAH MUTIRIRI NJOROGE APPELLANT

AND

AVIC INTERNATIONAL HOLDING CORPORATION RESPONDENT

RULING

1. This is an application dated 4th July, 2025 and seeks review of the judgment of court dated 25th June, 2025. It seeks a clarification of the said judgment in terms of the final disposition and the matter of costs in the appeal which came out as follows;
 1. That this honorable court gave its judgment on this appeal on 25th June, 2025 in which it awarded the Appellant, among others, the following:
 - i. Kshs.162,143.70 on account of unfair termination;
 - ii. Kshs 198,138.00 on account of underpayment of wages;
 - iii. Kshs.23,582 on account of underpayment on housing allowance; and
 - iv. Kshs.6,835.75 on account of night shift allowance.
 2. That in total, the above awards amount to Kshs.390,699.45.
 3. That in the disposition clause under item (ii), the honourable court decreed compensation of the Appellant “for unfair and unlawful termination of
 4. That correction of any errors clarifying the final disposition of the court at the earliest will enable parties to the appeal act on the judgment as may be necessary.



2. The matter came for mention on 15th July, 2025 when the Respondent submitted that they did not wish to participate in the application.
3. This court has re-looked at the judgment and appreciate the mix-up in the judgment of court and regrets this unfortunate occurrence. It must now be corrected and rectified to erase the confusion and distortion arising from this prominent error that occurred on record.
4. I am therefore inclined to allow the application and order as follows;
 - i. The paragraph headed Based on the findings above at page the bottom of page 5 of the judgment all the way to page 7 of the judgment of court be and are hereby expunged from the record of the judgment of court and replaced by the authority of this ruling on awards.
 - ii. A declaration be and is hereby issued that the termination of the employment of the Appellant by the Respondent was unfair and unlawful.
 - iii. Twelve (12) month salary as compensation for unlawful termination of employment Ksh 1,040 x 30 days x 12 Kshs. 374,400.00.
 - iv. Each party shall bear their costs on this appeal and the trial court.

DELIVERED, DATED AND SIGNED THIS 23RD DAY OF JULY 2025.

D. K. NJAGI MARETE

JUDGE

Appearances:-

1. Miss Mwangi instructed by Magdaline M. & Company Advocates for the Appellant.
2. Ms Nafura instructed by Ngaramba Njoroge & Company Advocates for the Respondent.

