



REPUBLIC OF KENYA



**Ngugi & 16 others v Safaricom PLC (Employment and Labour Relations  
Cause 70 of 2019) [2025] KEELRC 2130 (KLR) (17 July 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2130 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
EMPLOYMENT AND LABOUR RELATIONS CAUSE 70 OF 2019**

**MN NDUMA, J**

**JULY 17, 2025**

**BETWEEN**

**JOHNSON NGUGI ..... 1<sup>ST</sup> CLAIMANT**  
**RICHARD ALENGA INYUMILI ..... 2<sup>ND</sup> CLAIMANT**  
**MARFTIN MUTUMA MIRITI ..... 3<sup>RD</sup> CLAIMANT**  
**JAMES OMONDI ONYANGO ..... 4<sup>TH</sup> CLAIMANT**  
**JAMES NGUTHU MUSYOKA ..... 5<sup>TH</sup> CLAIMANT**  
**HELLEN WAMBUI MBUURU ..... 6<sup>TH</sup> CLAIMANT**  
**HAWA WANJIKU ALI ..... 7<sup>TH</sup> CLAIMANT**  
**GEORGE KARIUKI NJERU ..... 8<sup>TH</sup> CLAIMANT**  
**ERIC MWENDA MUTUMA ..... 9<sup>TH</sup> CLAIMANT**  
**CRISPUS GACHUHI WACHIRA ..... 10<sup>TH</sup> CLAIMANT**  
**BISMARCK SHIMULI LITIEMA ..... 11<sup>TH</sup> CLAIMANT**  
**ANTHONY OPIYO ..... 12<sup>TH</sup> CLAIMANT**  
**ANGELA SANJA SIRENGO ..... 13<sup>TH</sup> CLAIMANT**  
**PAUL KEERU GAKINYA ..... 14<sup>TH</sup> CLAIMANT**  
**BENARD KIBET RONOH ..... 15<sup>TH</sup> CLAIMANT**  
**CHRIS MUASYA MUVAKA ..... 16<sup>TH</sup> CLAIMANT**  
**HARUN KITHINJI MBAE ..... 17<sup>TH</sup> CLAIMANT**

**AND**

**SAFARICOM PLC ..... RESPONDENT**



## RULING

1. The application dated 27/5/2025 is for review of the judgment of the court delivered on 26<sup>th</sup> May 2025 in terms of Rule 75 of the ELRC (Procedure) Rules which provides:-

“The court shall at the request of the parties or on its own motion cause any clerical mistake, incidental error or omission to be rectified and shall notify the parties of such rectification.”
2. The application seeks an order in the following terms:
  1. Spent
  2. The honourable court be pleased to review, correct and/or amend the judgment dated 26<sup>th</sup> May 2025 by applying the correct monthly gross salary as reflected in the Claimant’s payslips for accurate computation of compensation of the amended reliefs.
  3. Costs of the application.
3. The application is premised on grounds (a) to (e) set out on the face of the Notice of Motion and buttressed in the supporting affidavit of Anthony Opiyo, the 1<sup>st</sup> Claimant/Applicant the crux of which is that the court applied the wrong gross salaries of the Claimants except the 2<sup>nd</sup> Claimant in the computation of notice and compensation awarded to the Claimants’ herein.
4. That this is an error apparent on the face of the record which the court may correct.
5. That in the witness statements all dated 16<sup>th</sup> November 2018, the Claimants’ produced as evidence their payslips which were uncontested by the Respondents during the trial.
6. That the current amount of monthly gross salaries were pleaded, proved during the hearing of the suit and were uncontested by the Respondent.
7. That the current monthly gross salaries of the Claimants as pleaded are as follows:-



Claimant	Monthly Gross Salary
1. Johnson Ngugi Kangiri	Kshs. 342,087.00
2. Richard Alenga Inyumili	Kshs. 326,181.95
3. Martin Mutuma Miriti	Kshs. 296,994.00
4. James Omondi Onyango	Kshs. 326,181.95
5. James Nguthu Musyoka	Kshs. 326,181.95
6. Hellen Wambui Mburu	Kshs. 323,671.21
7. Hawa Wanjiku Ali	Kshs. 296,994.00
8. George Kariuki Njeru	Kshs. 287,825.84
9. Eric Mwenda Mutuma	Kshs. 303,989.14
10. Crispus Gachuhi Wachira	Kshs. 296,994.00
11. Bismark Shimuli Litiema	Kshs. 318,784.22
12. Anthony Opiyo	Kshs. 438,773.00
13. Angela Sanja Sirengo	Kshs. 318,784.22
14. Paul Keeru Gakinya	Kshs. 323,671.21
15. Benard Kibet Ronoh	Kshs. 277,000.00
16. Chris Muasya Muvaka	Kshs. 335,524.92
17. Harold Kithinji Mbae	Kshs. 323,671.21

8. That the court grants the application as prayed.

### **Grounds of opposition**

9. The Respondent oppose the application on grounds that it offends section 80 of the *Civil Procedure Act* as read with Order 45, Rule 1(2) of the Civil Procedure Rules, 2010 in that the court is functus officio in relation to its finding on the Claimants' salary in view of the different evidence that was before it.
10. That the proposed reviews, correction and/or amendments sought by the Claimants' are issues of evidence on the Claimants' gross pay and the compensation awards by the court which can only be canvassed by way of an appeal.



11. Parties filed written submissions which the court has considered carefully. In the case of National Bank of Kenya Ltd versus Ndungu Njau [1977] eKLR the Court of Appeal stated:

A review may be granted whenever the court considers that it is necessary to correct an apparent error or omission on the part of the court. The error or omission must be self-evident and should not require an elaborate argument to be established.”

This court is satisfied it made self-evident errors on record

12. on the face of the judgment in that it overlooked the gross salaries earned by sixteen (16) Claimants reflected in their payslips adduced as evidence before court.
13. The gross salaries earned by the Claimants were not contested by the Respondent. This is clearly an error on the part of the court which the court is obliged to correct to meet the ends of justice.
14. It matters not that a notice of appeal has already been filed. That cannot prevent this court from correcting an error that was innocuously made by the court in its judgment which error if not corrected is likely to cause grave injustice to the Claimants.
15. Accordingly, the application is granted and the award of notice pay and compensation amended as follows:-
1. 1<sup>st</sup> Claimant - Johnson Ngugi Kangiri
    - a. Is awarded Kshs. 342,087 in lieu of one-month notice
    - b. Compensation is computed at the equivalent of 10 months salary in the sum of Kshs. 3,420,870.00.
  2. 3<sup>rd</sup> Claimant – Martin Mutuma Miriti
    - a. Kshs. 296,994.00 in lieu of one-month notice
    - b. Compensation in the sum of Kshs. (296,994x10 months salary) Kshs. 2,969,940.00.
  3. 4<sup>th</sup> Claimant – James Omondi Onyango
    - a. Kshs. 326,181.95 in lieu of one-month notice.
    - b. Compensation in the sum of Kshs. (326,181.95x10 months’ salary) Kshs. 3,261,819.5.
  4. 5<sup>th</sup> Claimant James Nguthu Musyoka
    - a. Kshs. 326,181.95 in lieu of one-month notice.
    - b. Compensation in the sum of Kshs. (326,181.95x10 months salary) Kshs. 3,261,819.5
  5. 6<sup>th</sup> Claimant – Hellen Wambui Mburu
    - a. Kshs. 323,671.21 in lieu of one-months’ notice
    - b. Compensation in the sum of Kshs. (323,671.21x10) Kshs. 3,236,712.1.
  6. 7<sup>th</sup> Claimant – Hawa Wanjiku Ali
    - a. Kshs. 296,994.00 in lieu of one-months’ notice
    - b. Compensation in the sum of Kshs. (296,994x10) Kshs. 2,969,940.00



7. 8<sup>th</sup> Claimant – George Kariuki Njeru
  - a. Kshs. 287,825.84 one-month salary in lieu of notice.
  - b. Compensation in the sum of Kshs. (287,825.84x10) Kshs. 2,878,258.4.
8. 9<sup>th</sup> Claimant – Erick Mwenda Muruma
  - a. Kshs. 303,989.14 in lieu of one-months’ notice.
  - b. Compensation in the sum of Kshs.(303,989.14x10) Kshs. 3,039,891.4
9. 10<sup>th</sup> Claimant – Crispus Cachuhi Wachira
  - a. Kshs. 296,994.00 in lieu of one-months’ notice
  - b. Compensation in the sum of Kshs. (296,994x10) Kshs. 2,969,940.00.
10. 11<sup>th</sup> Claimant – Bismark Shimuli Litiema
  - a. One month salary in lieu of notice
  - b. Compensation in the sum of Kshs. (318,784.22x10) Kshs. 3,187,842.2
11. 12<sup>th</sup> Claimant – Anthony Opiyo
  - a. Kshs. 438,773.00 in lieu of one-months notice
  - b. Compensation in the sum of Kshs. (438,773x10) Kshs. 4,387,730.00
12. 13<sup>th</sup> Claimant – Angela Sanja Sirengo
  - a. Kshs. 318,784.22 in lieu of one-months’ notice.
  - b. Compensation in the sum of Kshs. 3,187,842.2
13. 14<sup>th</sup> Claimant - Paul Keeru Gakinya
  - a. Kshs. 323,671.22 in lieu of one-months’ notice.
  - b. Compensation in the sum of Kshs.(323.671.22x10) Kshs. 3,236,712.2.
14. 15<sup>th</sup> Claimant – Benard Kibet Ronnoh.
  - a. Kshs. 277,000.00 in lieu of one-months’ notice
  - b. Compensation in the sum of Kshs. (277,000x10) Kshs. 2,770,000.00.
15. 16<sup>th</sup> Claimant – Chris Muasya Muvaka
  - a. Kshs. 335,524.92 in lieu of one-months’ notice.
  - b. Compensation of Kshs. (335,524.92x10) Kshs. 3,355,249.2
16. 17<sup>th</sup> Claimant – Harold Kithinji Mbae
  - a. Kshs. 323,671.21 in lieu of one-months’ notice.
  - b. Compensation in the sum of Kshs (323,671.21x10) Kshs. 3,236,712.1.
16. The judgment of the court dated 26<sup>th</sup> May 2025 is corrected by substituting the gross monthly salary of all the Claimants except the 2<sup>nd</sup> Claimant accordingly.



It is so ordered

**DATED AT NAIROBI THIS 17<sup>TH</sup> DAY OF JULY 2025.**

**MATHEWS NDUMA**

**JUDGE**

Appearance:

Mr. Change, Advocate for the Claimant

Mr. Mwangi, Advocate for the Respondent

Mr. Kemboi – Court Assistant

