



Kenya Engineering Workers Union v M/S Insteel (K) Limited; Makedi (Applicant) (Employment and Labour Relations Cause E654 of 2020) [2025] KEELRC 2066 (KLR) (10 July 2025) (Ruling)

Neutral citation: [2025] KEELRC 2066 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE E654 OF 2020**

**MN NDUMA, J
JULY 10, 2025**

BETWEEN

KENYA ENGINEERING WORKERS UNION CLAIMANT

AND

M/S INSTEEL (K) LIMITED RESPONDENT

AND

PETER MAKEDI APPLICANT

RULING

1. The Claimant union represented all grievants in this matter and obtained judgment against the Respondent on 15th December 2022. The Claimant union calculated and paid the decretal sum in respect of all the grievants except one Mr. Peter Makedi; the applicant herein who disputes the amount payable to him in terms of the judgment.
2. The Applicant in his submissions told court that he agrees with the tabulation by the Claimant union as follows:
 - i. Basic wage Ksh. 27,229.00
 - ii. House allowance Kshs. 8,168.00
 - iii. Salary arrears Kshs. 10,804.00
 - iv. Overtime pay Kshs. 16,476.00
 - v. Leave pay Kshs. 26,735.00
 - vi. Recognition long service award Kshs. 8,602.00
 - vii. Notice pay Kshs. 35,397.00



3. The Applicant disagreed with the Claimant union's tabulation in the following respects:-
 - i. Severance pay: Applicant's figure is Kshs. 388,367.00 whereas that by the Claimant Union is Kshs. 217,000.00.
4. The difference is informed by the fact that the Applicant stated that he worked for 11 years and not 10 years that is used by the Claimant to calculate the severance pay.
5. Furthermore, the Applicant disagrees with calculation of interest at 14% stating that it should be done from date of termination which was 18/10/2019.
6. Finally, the Applicant disputes the calculation of compensation stating that it should be Kshs. 106,191.00 and not Kshs. 106,188.00.

The court resolves this unnecessary dispute as follows:

- i. Compensation

The Applicant was awarded 3 months' compensation. Compensation is calculated on gross salary and is then payable less PAYE. Applicant's gross salary is (27,229 + 8,168) Kshs. 35,397 x3) Kshs. 106,191.00.
 - ii. Interest as per the judgement is at court rates from 18th October 2019. The court rate was initially at 12% but was changed to 14% and the rate should therefore apply from the date the rate was gazetted and not before.
 - iii. The number of years are as per the schedule filed before court and referred to in the judgment at paragraph 53 as set out at page 86 (Annexure 9) to the statement of claim. The number of years shown there are 10 years and not 11 years. This figure was not disputed or amended before judgment of the court.
7. Therefore severance/gratuity pay is to be calculated for a period of 10 years and not 11 years.
 8. This concludes this matter and the Claimants' union is to remit all dues unpaid to the Applicant yet forthwith.

It is so ordered.

DATED AT NAIROBI THIS 10TH DAY OF JULY 2025.

MATHEWS NDUMA

JUDGE

Appearance:

Mr. Peter Oduor Makedi in person

Mr. Odera for Claimant union

Mr. Kemboi – Court Assistant

