



**Malaya v Masinde Muliro University of Science and Technology (Petition 5 of 2023) [2024] KEELRC 148 (KLR) (6 February 2024) (Judgment)**

Neutral citation: [2024] KEELRC 148 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KAKAMEGA  
PETITION 5 OF 2023**

**JW KELI, J**

**FEBRUARY 6, 2024**

**IN THE MATTER OF THE ALLEGED CONTRAVENTION OF ARTICLES 2,3(1), 10, 19, 20, 21(1), 22,23,25(B), 27, 28, 30(1), 41(1) & (2) (A) 47 OF THE CONSTITUTION OF KENYA, 2010**

**AND**

**IN THE MATTER OF THE EMPLOYMENT ACT, 2007  
AND THE PUBLIC SERVICE COMMISSION ACT, 2017**

**BETWEEN**

**VINCENT CHIBINI MALAYA .....CLAIMANT**

**VERSUS**

**MASINDE MULIRO UNIVERSITY  
OF SCIENCE AND TECHNOLOGY.....RESPONDENT**

**BETWEEN**

**VINCENT CHIBINI MALAYA ..... CLAIMANT**

**AND**

**MASINDE MULIRO UNIVERSITY OF SCIENCE AND  
TECHNOLOGY ..... RESPONDENT**

**JUDGMENT**

1. The Court on the 23<sup>rd</sup> November 2023 delivered judgment in the suit and reserved for tabulation by the parties the issue of payable acting allowance as follows:-

157. (C)I award the balance of 5% acting allowance from December 2015 to December 2020. The parties are to file in Court concurrently the tabulation of 5% basic salary of the



University Librarian position over that period within 21 days to record the payable amount in Court at the next mention date of 23<sup>rd</sup> January 2024.

2. The Claimant filed his tabulation for the total sum of Kshs. 526,561.55 on the 31<sup>st</sup> January 2024. The Respondent did not file.
3. When the parties appeared before me through their advocates on the 6<sup>th</sup> February 2024 the Respondent stated they did not dispute the tabulation by the Claimant.
4. Consequently the court enters judgment pursuant paragraph 157(c) of its judgment dated 23<sup>rd</sup> November 2023 as follows:-
5. The Claimant is awarded the balance of the 5% acting allowance from December 2015 to December 2020 for the total sum of Kshs. 526,561.55.
6. The matter is marked as closed.
7. It is so Ordered.

**DATED, SIGNED, AND DELIVERED ON THE 6<sup>TH</sup> OF FEBRUARY 2024 IN OPEN COURT AT KAKAMEGA**

**JEMIMAH KELI**

**JUDGE**

In the presence of

C/A Lucy Macheso

For Claimant- Mutisya h/b Kanjama SC.

For Respondent: Amaasa h/b Achola

