



**Hayanga & 45 others v Forestry & 4 others (Cause E071 of 2021)
[2024] KEELRC 1320 (KLR) (30 May 2024) (Judgment)**

Neutral citation: [2024] KEELRC 1320 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E071 OF 2021**

**L NDOLO, J
MAY 30, 2024**

BETWEEN

**SAMSON HAYANGA 1ST CLAIMANT
BENJAMIN BAHATI 2ND CLAIMANT
ISRA DANIEL WANJUHI 3RD CLAIMANT
ALI RAMTU BAKARI 4TH CLAIMANT
CALSTUS WACHANA 5TH CLAIMANT
DAVID MWARUMA 6TH CLAIMANT
ROBINSON ASIRA 7TH CLAIMANT
SAMUEL MUTAI 8TH CLAIMANT
JAMES GATHURA 9TH CLAIMANT
FRANCIS MUINDA 10TH CLAIMANT
FRANCIS NGUATA 11TH CLAIMANT
PAUL OLOO 12TH CLAIMANT
AMOS WAWERU 13TH CLAIMANT
DR NDEGWA WILLIAM 14TH CLAIMANT
DOMINIC MBINDYO 15TH CLAIMANT
SIMON GICHOMO 16TH CLAIMANT
DOMINIC ARODI 17TH CLAIMANT
ABRAHAM CHANGARA 18TH CLAIMANT
MARY GITHINJI 19TH CLAIMANT**



EZEKIEL MUIGAI	20 TH CLAIMANT
ABDAE SEDAH	21 ST CLAIMANT
JOHN NGUYO	22 ND CLAIMANT
GEOFFREY NYAGA	23 RD CLAIMANT
KENNEDY MWATHI	24 TH CLAIMANT
NAPHATALY ODHOCH	25 TH CLAIMANT
SHABANI BARASA	26 TH CLAIMANT
LYDIA INOTI	27 TH CLAIMANT
PAUL MURAGE	28 TH CLAIMANT
MOHAMED GALGALO	29 TH CLAIMANT
JOHN ROTICH	30 TH CLAIMANT
SIMON CHEPTOP	31 ST CLAIMANT
ABDIKADIR WOCHÉ	32 ND CLAIMANT
NOAH ELEDI	33 RD CLAIMANT
VINCENT SAKWA	34 TH CLAIMANT
GODFREY OMUSONGA	35 TH CLAIMANT
PETER RUNANU	36 TH CLAIMANT
DANSON IRERI	37 TH CLAIMANT
JULIUS KIMAYU	38 TH CLAIMANT
HENRY SESE	39 TH CLAIMANT
WILSON LONYANGOLE	40 TH CLAIMANT
RAMADHAN MUNGA	41 ST CLAIMANT
DOMINIC KYALO	42 ND CLAIMANT
RICHARD ADERA	43 RD CLAIMANT
DAVID MUTUA	44 TH CLAIMANT
SAMUEL MUCHIRI	45 TH CLAIMANT
SAMUEL ODHIAMBO	46 TH CLAIMANT

AND

MINISTRY OF ENVIRONMENT AND FORESTRY	1 ST RESPONDENT
KENYA METEOROLOGICAL DEPARTMENT	2 ND RESPONDENT
PUBLIC SERVICE COMMISSION	3 RD RESPONDENT
THE NATIONAL TREASURY	4 TH RESPONDENT



JUDGMENT

Introduction

1. The Claimants are present and past employees of the Kenya Meteorological Department. Their claim before the Court is for accrued and outstanding travel and subsistence allowances totaling Kshs. 11,322,800. The Respondent filed a Reply dated 19th January 2022.
2. At the trial, the 1st Claimant, Samson Hayanga and the 11th Claimant, Francis Nguata testified on their own behalf and on behalf of their co-claimants. Caroline Njoki testified for the Respondents.

The Claimants' Case

3. The Claimants state that in the course of their employment as County Directors of Meteorological Services, they were instructed by the 1st Respondent to perform official duties away from their duty stations, without compensation in respect of subsistence, accommodation and transport expenses.
4. The Claimants' claim is for payment of subsistence and accommodation allowances plus transport expenses incurred over the period running from March 2016 to August 2017.
5. The Claimants state that on 15th May 2019, the 1st Respondent's Director wrote to the 2nd Respondent asking for settlement of the outstanding dues, upon which the 2nd Respondent approved payment of Kshs. 11, 322,800 to the Claimants.

The Respondents' Case

6. In their Reply dated 19th January 2022, the Respondents admit that the Claimants' claims are payable. They state that the 1st Respondent has been unable to settle the claims due to budgetary constraints.
7. The Respondents further state that the Kenya Meteorological Department had, by letter dated 16th March 2021, requested the Principal Secretary, Ministry of Environment and Forestry to source for funds from the National Treasury, to facilitate settlement of the claims.
8. In his response dated 22nd March 2021, the Principal Secretary advised that the request for funds be factored in the budget for the 2021/2022 financial year.
9. In conclusion, the Respondents ask for time to settle the claims.

Determination

10. By their Reply, the Respondents admit the Claimants' claim as pleaded in the Memorandum of Claim.
11. I therefore enter judgment in favour of the Claimants in the sum of Kshs.11,322,800.
12. This amount will attract interest at court rates from the date of judgment until payment in full.
13. The Claimants will have the costs of the case.
14. Orders accordingly.

DELIVERED VIRTUALLY AT NAIROBI THIS 30TH DAY MAY 2024

LINNET NDOLO



JUDGE

Appearance:

Mr. Ombis for the Claimants

Ms. Aluoch for the Respondents

