



**Muthami v Inter Security Services Limited (Cause 2172 of 2015)
[2024] KEELRC 2364 (KLR) (30 September 2024) (Ruling)**

Neutral citation: [2024] KEELRC 2364 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 2172 OF 2015
JK GAKERI, J
SEPTEMBER 30, 2024**

BETWEEN

MUSANGO MUTHAMI CLAIMANT

AND

INTER SECURITY SERVICES LIMITED RESPONDENT

RULING

1. By a Judgment dated 6th February, 2023, the Court made the following awards in favour of the Claimant;
 - i. Underpayment for 3 years to be computed by counsels for both parties and filed for adoption.
 - ii. Leave pay for 3 years.
 - iii. Costs of this suit.
 - iv. Interest at court rates from date of judgment till payment in full.
2. However, counsels for the parties could not agree.
3. While initially the Respondent's counsel had proposed the sum of Kshs.28,142.00, the Claimant's counsel had a figure of Kshs.55,927.00, but the Respondent's counsel was yet to file and serve its proposal which subsequently went up to Kshs.41,909.00 but nothing had been filed but was filed later.
4. On underpayment for 3 years, the effective date is the date of resignation July 31, 2014 of employment 3 years backwards. A total of 36 months effective 2011 as follows;
 - i. 2011 – 2012
Minimum wage Kshs.8,463.00
Claimant's salary Kshs.7,418.00



Kshs.1,045.00 x 12 12,540.00

ii. 2012 – 2013

Minimum wage Kshs.9,571.65

Claimant's salary Kshs.9,352.00

Kshs.219.65 x 12 2,635.8

iii. Minimum wage Kshs.10,911.70

2013 – Claimant's salary Kshs.10,052.00

2014

Kshs.859.70 x 12 10,316.4

Total Kshs.25,492.2

3 years leave

2011 – 2012 @ Kshs.8,463 = Kshs.5,924.10

2012 – 2013 @ Kshs.9,571.65 = Kshs.6,700.155

2013 – 2014 @ Kshs.10,911.70 = Kshs.7,638.90

Total Kshs.20,262.445

Total underpayment Kshs.25,492.20

Total leave Kshs.20,262.45

Total Kshs.45,754.65

The total award is Kshs.45,754.65.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON THIS 30TH DAY OF SEPTEMBER 2024

DR. JACOB GAKERI

JUDGE

Order

In view of the declaration of measures restricting court operations due to the Covid-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open court. In permitting this course, this court has been guided by Article 159(2)(d) of *the Constitution* which requires the court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of *the Constitution* and the provisions of Section 1B of the *Civil Procedure Act* (Chapter 21 of the Laws of Kenya) which impose on this court the duty of the court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

DR. JACOB GAKERI

JUDGE

