



**Ndinyo & another v Kenya Utalii College (Cause 2515 of 2017)  
[2024] KEELRC 2378 (KLR) (30 September 2024) (Ruling)**

Neutral citation: [2024] KEELRC 2378 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE 2515 OF 2017  
JK GAKERI, J  
SEPTEMBER 30, 2024**

**BETWEEN**

**JOSEPH SUDI NDINYO ..... 1<sup>ST</sup> CLAIMANT**

**KAZUNGU MWANGO ..... 2<sup>ND</sup> CLAIMANT**

**AND**

**THE KENYA UTALII COLLEGE ..... RESPONDENT**

**RULING**

1. In the Judgment delivered on 26<sup>th</sup> July, 2023, the Court awarded the Claimants;
  - a. Unpaid basic salary during interdiction,
  - b. Equivalent of two (2) months gross salary and
  - c. Costs of the Court.
2. Owing to the absence of figures as to how much the Claimants were paid during interdiction, effective 20<sup>th</sup> July, 2017, till their dismissal on 15<sup>th</sup> December, 2017, the Court was unable to compute the actual figures payable to the Claimants and the Claimants did not do so until now.
3. According to the Claimant’s counsel, the unpaid basic salary was as follows;

Joseph Sudi Ndinyo Kshs.47,537.50 per month  
Kazungu Mwangi Kshs.51,600.00 per month
4. The two months gross salary awarded as compensation is relatively easy to compute as the Claimants salary for June 2017 was as follows;

Joseph Sudi Ndinyo Kshs.214,336.28



Kazungu Mwangi Kshs.208,200.04

which translates to Kshs.428,672.56 and Kshs.416,400.08 respectively.

5. Although the Claimants' counsel used five (5) months as the duration the Claimants were on interdiction, the duration is slightly less as it is about 4 months and 25 days.

Joseph Sudi Ndinyo

$47,537.50 \times 4 = 190,150.00$

25 days = 39,614.58

Total = 229,764.58

Kazungu Mwangi

$51,600 \times 4 = 206,400.00$

25 days = 43,000.00

Total = 249,400.00

6. In the end, the Claimants dues are computed as follows;

Joseph Sudi Ndinyo Kshs.229,764.58

Two months' salary Kshs.428,672.56

Total award Kshs.658,437.14

Kazungu Mwangi Kshs.249,400.00

Two months' salary Kshs.416,400.08

Total award Kshs.665,800.08

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON THIS 30<sup>TH</sup> 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 15<sup>th</sup> March 2020 and subsequent directions of 21<sup>st</sup> 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**

