



**Ondieki v Vice Chancellor, Maasai Mara University & 2 others; Chairman, Audit Committee Maasai Mara University (Interested Party) (Employment and Labour Relations Cause 2234 of 2017) [2024] KEELRC 2433 (KLR) (30 September 2024) (Award)**

Neutral citation: [2024] KEELRC 2433 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
EMPLOYMENT AND LABOUR RELATIONS CAUSE 2234 OF 2017  
AN MWAURE, J  
SEPTEMBER 30, 2024**

**BETWEEN**

**MOSES NYAMBEGA ONDIEKI ..... CLAIMANT**

**AND**

**THE VICE CHANCELLOR, MAASAI MARA UNIVERSITY . 1<sup>ST</sup> RESPONDENT**

**THE CHAIRMAN OF COUNCIL, MAASAI MARA UNIVERSITY .... 2<sup>ND</sup>  
RESPONDENT**

**MAASAI MARA UNIVERDITY ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**THE CHAIRMAN, AUDIT COMMITTEE MAASAI MARA  
UNIVERSITY ..... INTERESTED PARTY**

**AWARD**

1. The court delivered its judgment on 13<sup>th</sup> February 2024.
2. The pending pronouncements were on service charge and unpaid salaries.
3. The respondent's submissions intimated the unpaid dues were as follows:
  - a. Basic salary Kshs. 1,777,450/-
  - b. Car allowance Kshs. 162,000/-
  - c. Entertainment allowance Kshs. 156,000/-
  - d. Responsibility Kshs. 156,000/-



- e. Telephone Kshs. 60,000/-
  - f. Six months gross pay Kshs. 1,343,232/-
4. The claimant's submissions however are as follows:
- a. Salary arrears net Kshs. 4,489,009/-
  - b. Accrued leave 2017, 2015 and 2018 Kshs. 1,687,885/-
  - c. Service pay 9 years 9 months Kshs. 6,622,344/-
5. This is the final award:
- 1. 5 months for wrongful termination Kshs. 1,226,360/-
  - 2. One month salary in lieu of notice Kshs. 245,272/-
  - 3. Service pay for unpaid period for 9 years 9 months  $245,272 \times 10 / 2 \times 10 =$  Kshs. 1,226,360/-
  - 4. Basic salary due withheld Kshs. 1,777,450/-
  - 5. Car allowance Kshs. 162,000/-
  - 6. Entertainment allowance Kshs. 156,000/-
  - 7. Responsibility allowance Kshs. 156,000/-
  - 8. Telephone allowance Kshs. 60,000/-
  - 9. Six months basic salary 1,343,232/-
  - 10. Leave pay due 245,272/-
- TOTAL AWARD is Kshs 6,597,946/- plus interest at 12% p.a from the date of this judgment till full payment.
- 6 Orders accordingly.

**DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2024.**

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 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.

A signed copy will be availed to each party upon payment of Court fees.

**ANNA NGIBUINI MWAURE**

**JUDGE**

