



**Mutegi v Chief Executive Officer & another (Petition E125 of 2021)
[2023] KEELRC 1299 (KLR) (31 May 2023) (Ruling)**

Neutral citation: [2023] KEELRC 1299 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
PETITION E125 OF 2021**

**J RIKA, J
MAY 31, 2023**

BETWEEN

PAUL EPHANTUS MUTEGI PETITIONER

AND

CHIEF EXECUTIVE OFFICER 1ST RESPONDENT

KENYA LEATHER DEVELOPMENT COUNCIL 2ND RESPONDENT

RULING

1. The Petitioner proposes to amend prayer 4 of his Petition, to specify that compensation is based on a monthly salary of Kshs. 101,477 applicable to the position of Centre Administrator.
2. Leave to amend is sought through an Application dated September 19, 2022, which is founded on the affidavit of the petitioner of even date.
3. The application is opposed through the affidavit of the 1st respondent, sworn on October 3, 2022. The respondents state that the court had directed parties earlier, to submit on the petition itself, to allow the court determine the petition conclusively.
4. It was agreed that the application is decided on the strength of the parties' affidavits and submissions. They confirmed filing and service of the Submissions at the last mention on April 19, 2023.

The Court finds: -

5. The amendment sought is a minor one, which does not change the character of the petition, or prejudice the respondents in any way. It merely seeks to plead the exact salary, upon which the prayer for compensation is based. It clarifies the petition. The petitioner, even without pleading the exact figure, would have an obligation to establish before the court, the amount of compensation sought.



It is in the interest of both parties that the exact figure sought is known early, before the parties close their pleadings and judgment date scheduled.

It is ordered: -

- a. Leave to amend the petition is granted.
- b. The draft amended petition shall be deemed as duly filed and served upon payment of requisite filing fees.
- c. Costs in the petition.

DATED, SIGNED AND RELEASED TO THE PARTIES VIA E-MAIL AT NAIROBI, UNDER PRACTICE DIRECTION NO. 6 [2] OF THE ELECTRONIC CASE MANAGEMENT PRACTICE DIRECTIONS 2020, THIS 31ST DAY OF MAY 2023.

JAMES RIKA

JUDGE

