



**Kenya Union of Clinical Officers & 76 others v County Government of Vihiga
(Cause 32 of 2021) [2023] KEELRC 3148 (KLR) (30 November 2023) (Judgment)**

Neutral citation: [2023] KEELRC 3148 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT BUNGOMA
CAUSE 32 OF 2021
JW KELI, J
NOVEMBER 30, 2023**

**BETWEEN
KENYA UNION OF CLINICAL OFFICERS & 76 OTHERS CLAIMANT
AND
COUNTY GOVERNMENT OF VIHIGA RESPONDENT**

JUDGMENT

1. The Court on the 26th May 2023 delivered its Judgment in this suit and directed the parties to file agreement on payable salary arrears. There was no agreement. Each party filed own computation. The Claimant's computation was filed in court on the 12th June 2023. The Respondent filed and later withdrew initial computation for 64 persons and later substituted it with a computation received in court on 24th October 2023 but for only 33 persons indicating they did not get records for 36 of the Claimants.
2. The parties having not agreed I proceed to compute and award the salary arrears.
3. The Claimants relied on the evidence of CW1, CW2 and CW3. CW1 was a union representative. CW2 Vonyoli Ibrahim was a test claimant and led evidence on the salary arrears and was cross-examined. The Court after the hearing held CW2 salary arrears amounted to 20 months (paragraph 51 of the Judgment). CW3 evidence was to effect his salary arrears was 23 months. I adopt the position of CW2 to bind Claimants with claims of 20 months and above as these employees were employed at same period and their circumstances were similar and I have seen other Claimants with 20 months claim. It is more probable the arrears were for 20 months for the majority save for those who left. The Claimants with claim of less than 20 months had either resigned or transferred. The Court takes their claim as stated.
4. The Court noted discrepancy in the computations filed by the parties of the gross salary. The Claimant stated Kshs. 81,780/- while the Respondent stated Kshs. 23,780/-. The Court noted at the hearing the



schedule presented for arrears by the Claimant had Kshs. 81780/- as gross salary and the Respondent did not challenge that position. At this stage the Court must apply gross salary of Kshs. 81680/- as at trial which it proceeds to.

Final Orders on payable salary arrears to the Claimants in the claim

1. Vonyoli Ibrahim Kegoye 20 months@ 81780=1635,600
2. Walter Adoli Kisumbi 20 months@ 81780=1635,600
3. Japheth Mukabwa 20 months@ 81780=1635,600
4. BillCaxton Endowo 20 months@ 81780=1635,600
5. Boaz Akolo 20 months@ 81780=1635,600
6. George Akoth 20 months@ 81780=1635,600
7. Elvis Amuni 20 months@ 81780=1635,600
8. Rhodah Cheloti 20 months@ 81780=1635,600
9. Rhina Akoya 20 months@ 81780=1635,600
10. Brenda Aloo Omondi 20 months@ 81780=1635,600
11. Lauren Andemo 20 months@ 81780=1635,600
12. Emmanuel Okoto Opiayo 20 months@ 81780=1635,600
13. Hosborn Juma 20 months@ 81780=1635,600
14. Brolyne Omondi 20 months@ 81780=1635,600
15. Thomas Ogolla Anyona 20 months@ 81780=1635,600
16. Evelyne Atieno Oloo 20 months@ 81780=1635,600
17. Monica Kwamboka Otiso 20 months@ 81780=1635,600
18. Dennis Riziki Akoyo 20 months@ 81780=1635,600
19. Christine Anyango Odhiambo 20 months@ 81780=1635,600
20. Elizabeth Atieno Otiende 20 months@ 81780=1635,600
21. Christopher Tunya Kachelo 20 months@ 81780=1635,600
22. Musa Sakwa 20 months@ 81780=1635,600
23. Antony Erick Otieno 20 months@ 81780=1635,600
24. Georgiadis Wafula Mukwana 8months @81780/- =654,240
25. Esther Amoding 20 months@ 81780=1635,600
26. Evans Oduory Owino 8 months @81780/- =654,240
27. Nicholas Karani Esekwe 20 months@ 81780=1635,600
28. Jackyline Vuguta 20 months@ 81780=1635,600



29. Maillah Simwa 20 months@ 81780=1635,600
30. John Savala 20 months@ 81780=1635,600
31. Tiema Pepetwah 20 months@ 81780=1635,600
32. Cyrus Amena 20 months@ 81780=1635,600
33. Lilian Monyani 20 months@ 81780=1635,600
34. Nicholas Tenga Abwao 20 months@ 81780=1635,600
35. Susan Ngadima Agona 20 months@ 81780=1635,600
36. Vitalis Oloo Kaunya Kasiba 20 months@ 81780=1635,600
37. Benard Karioki 20 months@ 81780=1635,600
38. Saul Esipa Omuyoyi 20 months@ 81780=1635,600
39. Kimtai George 20 months@ 81780=1635,600
40. Sebby Edda Inyangu 20 months@ 81780=1635,600
41. Millicent Obiero 20 months@ 81780=1635,600
42. Odhiambo Abdalla Yusuf 20 months@ 81780=1635,600
43. Jairus Bhati Otanga 20 months@ 81780=1635,600
44. Bonface Ngusale 20 months@ 81780=1635,600
45. Ruth Gwaro 20 months@ 81780=1635,600
46. Nivah Ingati 20 months@ 81780=1635,600
47. Ronoh Benard 14 months @ 81,780/-=1,144,920
48. Wycliffe Asenji Otano 20 months@ 81780=1635,600
49. Obino Tai Fred 20 months@ 81780=1635,600
50. Kayinzili Linda 20 months@ 81780=1635,600
51. Shitandi Pauline Eshisila 20 months@ 81780=1635,600
52. Ronoh Kipkoech 20 months@ 81780=1635,600
53. Hellen Kadenyi Munde 20 months@ 81780=1635,600
54. William Okuru Odindo 20 months@ 81780=1635,600
55. Carolyne Nyandiga 20 months@ 81780=1635,600
56. Annaline Jebichy 20 months@ 81780=1635,600
57. Deceased(Elma Mukhanji Shitsukhane)-
58. Mark Karani Tabu 20 months@ 81780=1635,600
59. Kipkorir Stephen Kibwareng' 20 months@ 81780=1635,600



60. Lilian Kandenyi Aywa 20 months@ 81780=1635,600
 61. Ezra Okaka Erick 20 months@ 81780=1635,600
 62. Jackson Chagwa 20 months@ 81780=1635,600
 63. Kevin Asunda Jumba 20 months@ 81780=1635,600
 64. Sizco Jebitok 20 months@ 81780=1635,600
 65. Carolyne Kemunto Mokaya 20 months@ 81780=1635,600
 66. Ogola Livingstone Amugune 20 months@ 81780=1635,600
 67. Nancy Akinyi Odipo 20 months@ 81780=1635,600
 68. Millicent Obindi 8 months @81780=654,240
 69. Nancy Amadi 6 months @81780 =490,680
5. All amounts payable to the 68 Claimants subject to statutory deductions.
 6. It is so ordered.

DATED, SIGNED & DELIVERED IN OPEN COURT AT KAKAMEGA THIS 30TH NOVEMBER 2023.

JEMIMAH KELI,

JUDGE.

In The Presence Of:-

Court Assistant : Brenda Wesonga

For Claimant : Munyori

For Respondent:- Aresa h/b Mukabi

