



**Kirimi v Commissioner General, Kenya Revenue Authority (Employment and Labour Relations Cause E237 of 2016) [2023] KEELRC 3041 (KLR) (23 November 2023) (Ruling)**

Neutral citation: [2023] KEELRC 3041 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
EMPLOYMENT AND LABOUR RELATIONS CAUSE E237 OF 2016**

**AN MWAURE, J  
NOVEMBER 23, 2023**

**BETWEEN**

**ASHFORD MWITI KIRIMI ..... CLAIMANT**

**AND**

**THE COMMISSIONER GENERAL, KENYA REVENUE  
AUTHORITY ..... RESPONDENT**

**RULING**

1. The court delivered its ruling dated 4<sup>th</sup> October 2022 and court order respondent to award a statement to tabulate what they had paid the claimant during the interdiction period between October 2010 to January 2016.
2. Transport allowance for the same period totalling kshs 3,104,000/-.
3. The respondent has sworn an affidavit affirming they paid the claimant kshs 2,310,653/13 which was inclusive withheld payments during interdiction and transport allowance and the date therein is kshs 14<sup>th</sup> March 2023.
4. The court having pronounced itself on the application dated 17<sup>th</sup> March 2023 filed by the respondent would direct the parties to deal with the main suit as per memorandum of claim dated 22<sup>nd</sup> February 2016. They can take a hearing date but can also attempt to negotiate out of court for any of the outstanding issues. The choice is theirs.

Orders accordingly.

**DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 23<sup>RD</sup> DAY OF  
NOVEMBER, 2023.**

**ANNA NGIBUINI MWAURE**

**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 [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.*

