



**Macharia v Presbyterian University of East Africa (Cause 317 of 2016)  
[2022] KEELRC 13019 (KLR) (13 October 2022) (Ruling)**

Neutral citation: [2022] KEELRC 13019 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE 317 OF 2016  
J RIKA, J  
OCTOBER 13, 2022**

**BETWEEN**

**JANE WAMBUI MACHARIA ..... CLAIMANT**

**AND**

**PRESBYTERIAN UNIVERSITY OF EAST AFRICA ..... RESPONDENT**

**RULING**

1. There are two Applications filed by the Respondent, dated 22.9.2022 and 29.9.2022 respectively.
2. The Respondent's Advocates seek leave to come on record for the Respondent, and seek to be allowed to have the decretal sum liquidated in monthly instalments of Kshs. 500,000.
3. The last Application is that a motor vehicle belonging to the Respondent, attached on 28.9.2022, is released by the Auctioneer to the Respondent.
4. The Applications are opposed.

**The court finds**

5. The Application seeking to have Mr. Mungania on record for the Respondent, has been served on the previous Advocates. There is no objection filed by any of the Advocates. Mr. Mungania is granted leave to appear for the Respondent.
6. On leave to liquidate the decretal sum by instalments, the Court has considered that Judgment was delivered in October 2018 – some 4 years ago. The Respondent had adequate time to liquidate the decretal sum from 2018.
7. The debt comprises Claimant's salaries, which ought to have been paid as and when they fell due, under section 17 of the *Employment Act*. The Respondent took away the protection granted to the Claimant's salary under section 17, and to grant an order, requiring the Claimant to receive his



salary arrears in instalments, 6 years after the salary became due, would be in further violation of the protection granted under section 17.

8. Lastly, the Respondent has not provided financial records, to establish prolonged inability to pay.

It is ordered: -

- a. Leave is granted to Mr. Mungania to come on record for the Respondent.
- b. The two Applications filed by Respondent are otherwise dismissed.
- c. Costs to the Claimant.

**DATED, SIGNED AND RELEASED THE PARTIES ELECTRONICALLY, UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, AT NAIROBI, THIS 13<sup>TH</sup> DAY OF OCTOBER, 2022.**

**JAMES RIKA**

**JUDGE**

