



REPUBLIC OF KENYA



KENYA LAW
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**Munyao & 133 others v General Plastics Limited (Cause 1108 of 2011)
[2022] KEELRC 13585 (KLR) (19 December 2022) (Quantum Judgment)**

Neutral citation: [2022] KEELRC 13585 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 1108 OF 2011
MA ONYANGO, J
DECEMBER 19, 2022**

BETWEEN

MATHEW MUNYAO & 133 OTHERS CLAIMANT

AND

GENERAL PLASTICS LIMITED RESPONDENT

QUANTUM JUDGMENT

1. Pursuant to the judgment of this court dated November 30, 2018 in which the court held as follows:

“Having found the claimants to have been unfairly terminated and further that they had been in the employment of the respondent for periods ranging from one year to 11 years and taking into consideration the fact that the claimants were engaged on inferior terms as compared to their counterparts who were members of the union, I order compensation as follows –



Length of service	Compensation
10 years and above	10 months
8 years but less than 10 years 8 months	
5 years and less than 8 years	6 months
3 years but less than 5 years	4 months
Under 3 years	3 months

I also order the respondent to pay annual leave due for the period worked by each of the claimants based on 21 days annual leave per year.

The parties are directed to use the records of NSSF contributions to determine the years of service and to move the court should they not agree on the tabulations.”

2. The matter was listed before me on November 8, 2022 for settlement of the terms of the decree. Only the claimants have filed tabulation for compensation for 81 out of 134 claimants. The respondent on the other hand did not file its tabulation as directed. It is worthy to note that the respondent failed to attend court on July 27, 2022, October 18, 2022 and November 8, 2022.
3. For these reasons, the court adopts the tabulation filed by the claimant as its final award of the judgment dated November 30, 2018. Judgment is entered for the claimants against the respondent in the sum of Kshs 8,491,817.55 as more specifically set out in, as per table A attached to this judgment.



No.	Name of Claimant	Length of Service	Months compensated (A)	Number Days per Month (B)	Rate (C)	Leave Days Pay/ year (D)	Total leave Days period per year (E)	Leave Days pay rate (F)	Compensation [(A*B)*C] + [(D*E)*F]
1	Aberi O. Elijah	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85
2	Gikurwe W. Samson	Under 3 years	3	30	364.95	21	2	364.95	48,173.40
3	Makori O. Rogers	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
4	Isack M. kisina	5 years but less than 8 years	6	30	364.95	21	5	364.95	104,010.75
5	Stephen P. Mwikya	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85
6	Josphat M. Kitulu	3 years but less than 5 years	4	30	364.95	21	2	364.95	59,121.90
7	James Kioko Muya	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
8	Kennedy W. Walabukha	8 years but less than 10 years	8	30	364.95	21	10	364.95	164,227.50



9	Joseph K. Kimani	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
10	Mutisya M. Erick	5 years but less than 8 years	8	30	364.95	21	8	364.95	148,899.60
11	Wycliffe O. Magara	Under 3 years	3	30	364.95	21	2	364.95	48,173.40
12	James Musau	Under 3 years	3	30	364.95	21	4	364.95	63,501.30
13	Ongoyo A. Alfred	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
14	John M. Ngwiri	8 years but less than 10 years	8	30	364.95	21	9	364.95	156,563.55
15	Mweu Mulwa	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85
16	Muchiri N. Jackson	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
17	Samuel C. Maina	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
18	Mulalya N. Meshack	3 years but less than 5 years	4	30	364.95	21	4	364.95	74,449.80



19	Mutongi Kiema S.	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
20	Gichuki M. Peter	8 years but less than 10 years	8	30	551.00	21	9	551.00	236,379.00
21	Geoffrey M. Mutunga	5 years but less than 8 years	6	30	364.95	21	5	364.95	104,010.75
22	Gachuhi W. Samuel	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
23	Muhia M. George	10 years & above	10	30	433.00	21	10	433.00	220,830.00
24	Samson M. Mwangi	Under 3 years	3	30	364.95	21	1	364.95	40,509.45
25	Bonface N. Ivui	10 years & above	10	30	364.95	21	10	364.95	186,124.50
26	Oyeso O. Henry	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
27	Mwangi K. Andrew	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85
28	Josephat Chavakeli	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85



29	Nyamora Ogega David	5 years but less than 8 years	6	30	364.95	21	6	364.95	111,674.70
30	Munyao K Mathew	8 years but less than 10 years	8	30	364.95	21	8	364.95	148,899.60
31	Solomon M. Christopher	10 years & above	10	30	364.95	21	10	364.95	186,124.50
32	Ngumu M. Pascal	8 years but less than 10 years	8	30	364.95	21	9	364.95	156,563.55
33	Josephat M. Ogeto	5 years but less than 8 years	6	30	364.95	21	6	364.95	111,674.70
34	Amadi O. Antony	8 years but less than 10 years	8	30	364.95	21	9	364.95	156,563.55
35	Peter M. Ngugi	Under 3 years	3	30	364.95	21	2	364.95	48,173.40
36	Silas S. Shivrenje	3 years but less than 5 years	4	30	364.95	21	4	364.95	74,449.80
37	Joseph M Gatai	5 years but less than 8 years	6	30	619.80	21	7	619.80	202,674.60
38	Masika L. Wakacho	10 years & above	10	30	364.95	21	11	364.95	193,788.45



39	Ali Abdi Khala	8 years but less than 10 years	8	30	364.95	21	4	364.95	118,243.80
40	Michael K. Ndambuki	5 years but less than 8 years	6	30	364.95	7	364.95	65,691.00	
41	Munyao Mutuku James	Under 3 years	3	30	364.95	21	1	364.95	40,509.45
42	Mmurithi Muthomi Paul	5 years but less than 8 years	6	30	364.95	21	6	364.95	111,674.70
43	Mutsotso M. Josephat	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85
44	Barisa Ledecha Mohamed	3 years but less than 5 years	4	30	364.95	21	2	364.95	59,121.90
45	Nyakagwa O. Mathew	10 years & above	10	30	364.95	21	10	364.95	186,124.50
46	Kiana M. Fredrick	5 years but less than 8 years	6	30	364.95	21	6	364.95	111,674.70
47	Muia Charles N.	10 years & above	10	30	364.95	21	10	364.95	186,124.50
48	Mutungu Muteti Jeremiah	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85



49	Robert W. Kaloki	5 years but less than 8 years	6	30	364.95	21	5	364.95	104,010.75
50	Mathews N. Munandi	Under 3 years	3	30	364.95	21	2	364.95	48,173.40
51	Emmanuel W. Soita	3 years but less than 5 years	4	30	364.95	21	4	364.95	74,449.80
52	Kibichori S Geoffrey	5 years but less than 8 years	6	30	364.95	21	8	364.95	127,002.60
53	Wanyonyi Julius	5 years but less than 8 years	6	30	364.95	21	6	364.95	111,674.70
54	Kilonzo K. Shadrack	8 years but less than 10 years	8	30	364.95	21	8	364.95	148,899.60
55	Ongweso A. Godfrey	3 years but less than 5 years	4	30	364.95	21	4	364.95	74,449.80
56	Dennis W. Simiyu	8 years but less than 10 years	8	30	364.95	21	9	364.95	156,563.55
57	George M. Muoki	8 years but less than 10 years	8	30	364.95	21	9	364.95	156,563.55
58	Mutua M. Leonard	3 years but less than 5 years	4	30	364.95	21	2	364.95	59,121.90



59	Onyango Otsieno Bernard	5 years but less than 8 years	6	30	364.95	21	5	364.95	104,010.75
60	Maisiba B. Obed	5 years but less than 8 years	6	30	364.95	21	2	364.95	81,018.90
61	Mutuku Kyalo Benedict	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85
62	Lungaho Gungu Stephen	3 years but less than 5 years	4	30	364.95	21	2	364.95	59,121.90
63	Andoyi Mayende Isaiah	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
64	Bonaya Hama Ibrahim	5 years but less than 8 years	6	30	364.95	21	5	364.95	104,010.75
65	Okinyi Moruye Duke	5 years but less than 8 years	6	30	364.95	21	6	364.95	111,674.70
66	Imbiakha L. Edwin	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
67	Lunani Eric	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85
68	Augustine M. Mwau	5 years but less	4	30	364.95	21	5	364.95	82,113.75



		than 8 years							
69	Ndegwa M. Richard W.	Under 3 years	3	30	551.00	21	2	551.00	72,732.00
70	Joseph M. Onyancha	Under 3 years	3	30	364.95	21	2	364.95	48,173.40
71	Amollo O. Charles	3 years but less than 5 years	4	30	364.95	21	4	364.95	74,449.80
72	Maticha Makoyo Nemuel	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85
73	Mogaka Keronche Enock	Under 3 years	3	30	364.95	21	1	364.95	40,509.45
74	Juma Salim Mohammed	3 years but less than 5 years	4	30	364.95	21	3	364.95	66,785.85
75	Munyao M. Samuel	8 years but less than 10 years	8	30	364.95	21	9	364.95	156,563.55
76	Imbiakha Tindi Lewis	5 years but less than 8 years	6	30	364.95	21	5	364.95	104,010.75
77	Magara Moturi Isaiah	5 years but less than 8 years	6	30	364.95	21	7	364.95	119,338.65
78	Halake Iya Mohamed	5 years but less than 8 years	6	30	364.95	21	2	364.95	81,018.90



		than 8 years							
79	Uka Ndege Roba	3 years but less than 5 years	4	30	364.95	21	2	364.95	59,121.90
80	Namaande Musungu Ben	3 years but less than 5 years	4	30	364.95	21	4	364.95	74,449.80
81	Bosire Nyamboki Wilfred	Under 3 years	3	30	364.95	21	7	364.95	86,493.15
TOTAL AWARD									<u>8,491,817.55</u>

DATED, SIGNED AND DELIVERED VIRTUALLY AT VIRTUALLY ON THIS 19TH DAY OF DECEMBER 2022

MAUREEN ONYANGO

JUDGE

