



**Ayako v Masai Mara Sopa Lodge Limited (Cause 1251 of 2017)  
[2022] KEELRC 14637 (KLR) (13 December 2022) (Ruling)**

Neutral citation: [2022] KEELRC 14637 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE 1251 OF 2017  
NZIOKI WA MAKAU, J  
DECEMBER 13, 2022**

**BETWEEN**

**ABIGAEEL JANE AYAKO ..... CLAIMANT**

**AND**

**MASAI MARA SOPA LODGE LIMITED ..... RESPONDENT**

**RULING**

1. The motion before me is the respondent's notice of motion application seeking a clarification of the judgment of the court. The respondent has misconstrued a sentence in the judgment to suggest that the pay cut was legitimate as to allow the claimant forego the sum awarded in the judgment. The court wishes to point out that the amount awarded was for unpaid house allowance for 9½ months, unpaid salaries for the months of March to October 2015 and unpaid leave for 15 days. The judgment was in plain English and the respondent should not pretend to understand it. But just in case English is not a language the respondent understands well, I reiterate that the pay cuts were in a sense consensual meaning the claimant would not find a cause for constructive dismissal. For ease of understanding what that means, the Court refers the Respondent to paragraph 7 of the decision for it to understand what constructive dismissal is since that is defined there. In case of any doubt the Respondent may seek a lawyer's assistance in reading the Judgment if this is not clear. The total the Respondent is to pay to the claimant is KShs 455,000/- having deducted the sums the claimant was to pay to the respondent on its counterclaim which succeeded. As the application was unnecessary since there is no ambiguity in the judgment, the court will mulct the respondent in costs of this motion as well interest at court rates on the unpaid sum from June 6, 2022 till payment in full.

It is so ordered.

**DATED AND DELIVERED AT NAIROBI THIS 13<sup>TH</sup> DAY OF DECEMBER 2022**

**NZIOKI WA MAKAU**



**JUDGE**

