



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
AT NAIROBI

(Before Hon. Lady Justice Maureen Onyango)

CAUSE NO. 861 OF 2019 AS CONSOLIDATED WITH
KISUMU CMELRC 408 OF 2019

KENYA UNION OF COMMERCIAL FOOD AND

ALLIED WORKERS 1ST CLAIMANT

CLAIMANTS IN KISUMU CHIEF MAGISTRATES

COURT IN EMPLOYMENT CASE NO. 408 OF 2019.....2ND CLAIMANT

VERSUS

CHOPPIES ENTERPRISES KENYA LIMITED.....1ST RESPONDENT

MR. PARIN BHARATKUMAR PATEL.....2ND RESPONDENT

MR. ASHWIN KSHEMENDRAN.....3RD RESPONDENT

MR. MITHUN CHULLIPARAMBIL GOPALAKRISHNAN.....4TH RESPONDENT

RULING

In the judgment delivered on 13th November 2020, the Court found that the second set of claimants, that is claimants in Kisumu Chief Magistrate Court Employment Cause No. 408 of 2019 referred to herein jointly as 2nd claimant were entitled to the following: -

- Soap allowance Kshs.100 per month.
- Difference between basic and gross pay in respect of: -
 - (i) notice pay
 - (ii) Severance pay
- Refund of unlawful deductions.

I have considered the tabulation of the Respondent. The same is based on consolidated pay (basic + house allowance) yet the judgment refers to gross pay. The same further excludes unlawful deductions that was to be refunded.

The 2nd Claimant on the other hand included all the items as set out in the judgment. I therefore find that the 2nd Claimant's tabulation is the correct one and adopt the same. I thus award each of the claimants as follows: -

	NAME	AMOUNT (KSHS.)
1.	Stephen Juma Wangira	33,296.34
2.	Paul Odhiambo Okaka	35,596.31
3.	Augustine Neto Ojowi Achando	22,690.20
4.	Godfrey Odhiambo Orem	32,436.19
5.	Delvin Otieno Owiti	29,956.05
6.	Justus Omoro	30,416.15
7.	Felix Ototi Oiruria	30,095.91
8.	Irene Amondi Odhiambo	27,475.80
9.	Pauline Nancy Atieno	48,087.82
10.	Maurice Migingo	31,716.24
11.	Jackline Atieno Oduor	39,602.14
12.	Charles Ochieng Gumba	32,516.32
13.	Gabriel Odwori Khaduli	32,516.37
14.	Richard Owidi	48,632.20
15.	Benard Odhiambo	35,276.28
16.	Millicent Regina Ilode	48,305.19
17.	Said Abuka	42,174.00
18.	Calvince Odhiambo Otieno	31,736.18
19.	Nicholas Odhiambo Owiti	32,076.15
20.	Victor Omondi Omburo	26,514.80
21.	Ian Onyango Wasonga	30,809.80
22.	Jacob Obanda	29,690.93
	TOTAL	<u>751,617.37</u>

Judgment is therefore entered for the 2nd claimant in the sum of Kshs.751,617.37/=.

DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 5TH DAY OF MARCH 2021

MAUREEN ONYANGO

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 15th March 2020 and subsequent directions of 21st 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 Civil 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.

MAUREEN ONYANGO

JUDGE