



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

(Before Hon. Lady Justice Maureen Onyango)

CAUSE NO. 1431 OF 2015

CONSOLATA AKINYI SIDUNDA..... CLAIMANT

VERSUS

HAJI ABDHULAI..... RESPONDENT

CONSOLIDATED WITH

CAUSE NO. 1432 OF 2015

EVERLYNE AKOTH OWINO.....CLAIMANT

VERSUS

HAJI ABDHULAI..... RESPONDENT

RULING

1. I have considered the judgment delivered on 18th September 2020 following the request by Counsel for the Claimants by letter dated 19th February 2021 to review the award in respect of EVERLYNE AKOTH OWINO. I have further considered submissions by Ms. Sheila Mugo, Learned Counsel for the Claimants/Decree Holders made orally in Court on 14th July 2021. In the letter Counsel states that there was an error in the award for Everlyne Akoth Owino, Cause No. 1432 of 2015 as she was not awarded house allowance and December 2014 salary.

2. According to the prayers in Cause No. 1432 of 2015, Everlyne Akoth Owino prayed for the following –

- (i) Service pay*
- (ii) Leave day accrued*
- (iii) Pay in lieu of notice*
- (iv) Three days' wages for January 2015.*
- (v) 12 months' salary underpayment.*
- (vi) Damages for unlawful dismissal.*

3. In the judgment she was awarded the following –

Everlyne Akoth Owino

i.. Service Pay..... Kshs.28,215.00

ii. Annual leave pay for 5 years..... Kshs.39,501.00

iii. Pay in lieu of notice.....Kshs.9,780.95

iv. 3 days wages for January 2015.....Kshs.1,128.60

v. 5 months compensation..... Kshs.48,904.75

Total award..... Kshs. 127,530.30

4. There was no prayer for house allowance or for December 2014 salary.

5. There was therefore no error in the award to EVERLYNE AKOTH OWINO in the judgment delivered on 18th September 2020 in respect to the said Everlyne Akoth Owino. The prayers by the Counsel for the said Everlyne Akoth Owino are therefore not merited and are accordingly declined.

DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 15TH DAY OF JULY 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 had 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