



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**CAUSE NO. 1836 OF 2015**

**BENSON MWANGI KAGUNDA.....CLAIMANT**

**VERSUS**

**NAIROBI CITY COUNTY.....RESPONDENT**

**JUDGMENT ON QUANTUM**

1. The Court as per Abuodha, J. delivered a judgment dated 18<sup>th</sup> October, 2019 in which the Court awarded the claimant as follows:-

- (a) One month's salary in lieu of notice.**
- (b) Half salary retained for the period of interdiction.**
- (c) Eight months' salary as compensation for unfair termination.**
- (d) Costs.**

2. The Court then found as follows at paragraph 29 of the judgment:-

***“The parties never disclosed the claimant's exit salary. Let the same be ascertained by the parties and be filed in Court to enable the Court record a final judgment in the matter”***

3. The claimant has since provided a payslip for the month of October, 2013 which shows that the claimant earned a gross salary of Kshs 32,600 at the time.

4. The claimant was interdicted on 15<sup>th</sup> June, 2013. The claimant was dismissed from work on 18<sup>th</sup> June, 2013. The decision to dismiss the claimant was upheld by the County Public Service Board on 15<sup>th</sup> February, 2014 and he stopped working on 23<sup>rd</sup> January, 2014.

5. In terms of the aforesaid facts contained in the Judgment of Court, and in view of the payslip submitted to the Court as directed to the parties by the trial Court, the Court quantifies the judgment of the Court as follows:-

***The respondent is to pay the claimant as follows:-***

- (a) Kshs 32,600 in lieu of one month notice.**
- (b) Half salary for the period of interdiction between 15<sup>th</sup> June, 2013 and 23<sup>rd</sup> January, 2014 when the claimant stopped working (Kshs 23,600 x 7 x ½) = Kshs 82,600.**
- (c) Eight months' salary in compensation for unlawful and unfair dismissal – Kshs 188,800.**

**Total award – Kshs 304,000**

**(d) The award is payable with interest at Court rates from the date of judgment on 18<sup>th</sup> October, 2019 till payment in full.**

**(e) Costs of the suit as ordered by the trial Court.**

**DATED AND DELIVERED AT NAIROBI (VIRTUALLY) THIS 16TH DAY OF DECEMBER, 2021.**

**MATHEWS N. NDUMA**

**JUDGE**

**APPEARANCES**

**MR. AMEDI FOR CLAIMANT**

**MR. KITHI FOR RESPONDENT**

**EKALE – COURT CLERK**