

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA

AT NAIROBI

CAUSE NO. 2593 OF 2016

MARY NJAMBI NJENGA.....CLAIMANT

-VERSUS-

EQUITY BANK KENYA LIMITED....RESPONDENT

(Before Hon. Justice Byram Ongaya on Friday 13th March, 2020)

RULING

The application was filed for the claimant on 16.01.2020 through Nderi & Mwangi Company Advocates. It is under rule 33 of the Employment and Labour Relations Court (Procedure) Rules. It seeks review of the judgment delivered on 01.11.2019 and consequential to the review, the Court to order the respondent to pay the claimant an additional Kshs.110, 000.00 with interest until payment in full. the ground for seeking review is that there is an error apparent on record that the claimant was suspended on 20.05.2016 as per page 5 of the judgment but in computing the award at page 9 of the judgment the Court erroneously stated that the suspension was on 20.06.2016 with the consequence that one month pay being Kshs.110, 000.00 was omitted.

The respondent has opposed the application by filing the grounds of opposition on 06.02.2020 through Robson Harris and Company Advocates. It is urged that there is no error on record; the application is incompetent, frivolous, misconceived and an abuse of Court process; the decretal amount is accurate because the court factored in the period the claimant worked for the respondent; the application creates unnecessary anxiety because the judgment sum has already been paid to the claimant by the respondent.

The parties made their oral submissions. It is common ground that the claimant was in fact suspended on 20.05.2016 and the Court returns that the applicant has established a valid error on record which is liable to correction. The further common ground is that the period in page 9 of the judgment subject to the computation for pay was 20.05.2016 to 05.12.2016 so that the period in the error now corrected leaves outstanding 14 days for payment and consequential to the review, the Court returns that only Kshs.51, 333.30 is payable accordingly.

In conclusion, the application for review herein is hereby allowed with orders:

- a. The respondent to pay the claimant **Kshs.51, 333.30** by 01.05.2020 failing interest to be payable thereon at Court rates from the date of this ruling till full payment.
- b. Each party to bear own costs of the application.

Signed, dated and delivered in court at **Nairobi** this **Friday, 13th March, 2020**.

BYRAM ONGAYA

JUDGE