



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT KISUMU

CAUSE NO. 3 OF 2018

(Before Hon. Justice Mathews N. Nduma)

PETER OTIENO ODERA.....1ST CLAIMANT

REGINAL OWAKA OCHOLA.....2ND CLAIMANT

ANTONEY GAYA TINDI AND 66 OTHERS.....3RD CLAIMANT

VERSUS

COUNTY GOVERNMENT OF HOMA BAY.....1ST RESPONDENT

HOMA BAY COUNTY PUBLIC SERVICE BOARD.....2ND RESPONDENT

RULING

1. In the Judgment of the court delivered on 24th October, 2019, the court stated under paragraph 30 (f) as follows: -
2. ‘ ‘ *The respondent to compute the award in respect of each claimant, serve the claimants and file same within 45 days from date of judgment failing which the claimants to file their computation within 15 days from the date above. ‘ ‘*
3. In an application on certificate of urgency dated 10th June, 2020, the applicants informed court that the respondent did not comply with the directive of the court stated above and the claimants proceeded to file their computation dated 6th January 2020 on 20th January 2020.
4. The Court has considered the computation filed in respect of one hundred and nineteen (119) claimants and is satisfied that the same is proper and in accordance with paragraph 30(f) of the Judgment of Court dated 24th October 2019.
5. Therefore, the computation is adopted as part of the Judgment of the Court dated 24th October 2019.

Ruling Dated, Signed and Delivered at Nairobi this 16th day of July 2020.

Mathew N. Nduma

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, this ruling has been delivered to the parties online with their consent. 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 18 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.

Mathews N. Nduma

Judge

Appearances:-

Mr. Obadh for the claimants.

Mr. Nyauke for Respondents.

Chrispo: Court clerk.