



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU

CASE NO. 373 OF 2018

(Before Hon. Justice Mathews N. Nduma)

ENG. ADDA KODERO VINCENT1ST CLAIMANT
DR. OMINDE ELIZABETH MARY.....2ND CLAIMANT
GEORGE ONGAYA OKOTH.....3RD CLAIMANT
BARAK OTIENO.....4TH CLAIMANT
JENNIPHER ATIENO KERE.....5TH CLAIMANT
ROSE AUMA KISIA OMONDI.....6TH CLAIMANT
JOHNSON OWUOR.....7TH CLAIMANT
RHODA ATIENO AHONO OBADHA.....8TH CLAIMANT
MICHAEL ODUOR ONYANGO.....9TH CLAIMANT

VERSUS

THE COUNTY GOVERNMENT OF KISUMU.....1ST RESPONDENT
THE KISUMU COUNTY SECRETARY.....2ND RESPONDENT

JUDGMENT

1. The nine(9) claimants filed suit on 14th November 2018 claiming payment of liquidated terminal dues, termed gratuity set out under prayer (b) and (c) in the statement of claim and provision of certificate of service as set out under paragraph (d) thereof with costs and interest.
2. The suit was not defended despite service of summons to enter appearance and statement of claim.
3. CW1 Dr. Rose Kisia Omondi; the 6th respondent testified on behalf of the claimants in formal proof of the claims.
4. The claimants filed written submissions on 4th February 2020 in support of their respective claims.
5. The court finds that the claimants have proved their claims on a balance of probabilities and enters judgment in favour of the claimants as set out under prayers (b), (c), (d) and (e) in the statement of claim as against the 1st respondent as follows:

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|-----|--------------------------------|---------------------|
| (a) | (i) Eng. Adda Koder Vincent | Kshs. 1,009,050.00. |
| | (ii) Dr. Ominde Elizabeth Mary | Khss. 2,904,243.75. |

(iii) George Ongaya Okoth	Kshs. 3,079,462.00.
(iv) Barack Otieno	Kshs. 2,146,931.25.
(v) Jennipher Atieno Kere	Kshs. 2,904,243.75.
(vi) Rose Auma Kisia Omondi	Kshs. 2,904,243.75.
(vii) Johnson Owuor	Kshs. 1, 297,143.75.
(viii) Rhoda Atieno Ahono Obadha	Kshs. 1,009,050.00.
(ix) Michael Oduor Onyango	Kshs. 1,683,675.00

(b) Four months arrear salary to the 6th claimant, Rose Auma Kisia Omondi
1,400,000. Kshs.

(c) Certificate of service to be granted to the claimants within 30 days of judgment.

(d) Costs of the suit

(e) Interest at court rates from date of filing suit till payment in full.

Judgment Dated, Signed and delivered at Nairobi this 15th day of October, 2020

Mathews N. Nduma

Judge

ORDER

In view of the declaration of measures restricting court of operations due the COVID-19 pandemic and in light of the directions issued by his Lordship, the Chief Justice on 15th March 2020, this judgment 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. Odeny for claimants

Chrispo- Court clerk