



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU

CAUSE NO. 39 of 2013

(Before Hon. Justice Mathews N. Nduma)

1. JARED OMONDI OBER.....1ST CLAIMANT

2. JOHN OLUOCH ORINDA.....2ND CLAIMANT

VERSUS

COUNTY GOVERNMENT OF HOMA-BAY.....RESPONDENT

AMENDED RULING

1. In terms of the judgment of the court delivered on 4th October 2018, parties were to compute the award and file the same for confirmation within 30 days of judgment. The claimant filed computation dated 23rd November 2018.

2. The court has examined the computation and is satisfied that it correctly reflects Order 19(ii) regarding compensation equivalent to twelve months salary in respect of the claimant; order (iii) concerning unpaid arrear salary during the period of suspension and (iv) interest at court rates from date of filing suit. However, an item on leave allowance arrears for the period 1997, 2008, 2009, 2010 to 2018 in the sum of Kshs. 392,670.70 for the 1st claimant and Kshs. 358,689.60 for the 2nd claimant is wrongly included in the computation.

3. Accordingly, the Court awards in terms of the computation Kshs. 8,794,424.70 less Kshs 392,670.70 to the 1st claimant and Kshs. 6,590,341.40 less Kshs. 358,689.60 for the 2nd claimant as against the respondent in the sum of Kshs. **8,401,754** and Kshs. 6,231,658 forms part of the judgment delivered on 4th October 2018.

4. The respondent did not file any Counter computation in terms of the judgment.

Ruling Dated, Signed and delivered this 13th day of March, 2019

Mathews N. Nduma

Judge

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RULING

1. In terms of the judgment of the court delivered on 4th October 2018, parties were to compute the award and file the same for confirmation within 30 days of judgment. The claimant filed computation dated 23rd November 2018.
2. The court has examined the computation and is satisfied that it correctly reflects Order 19(ii) regarding compensation equivalent to twelve months salary in respect of the claimant; order (iii) concerning unpaid arrear salary during the period of suspension and (iv) interest at court rates from date of filing suit. However, an item on leave allowance arrears for the period 1997, 2008, 2009, 2010 to 2018 in the sum of Kshs. 392,670.70 is wrongly included in the computation.
3. Accordingly, the Court awards in terms of the computation Kshs. 8,794,424.70 less Kshs 392,670.70 to the claimants as against the respondent in the sum of Kshs. **8,401,754** and forms part of the judgment delivered on 4th October 2018.
4. The respondent did not file any Counter computation in terms of the judgment.

Ruling Dated, Signed and delivered this 13th day of March, 2019

Mathews N. Nduma

Judge