



REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 80 OF 2013

(Before Hon. Justice Mathews N. Nduma)

PATRICK OMUTIACLAIMANT

=VERSUS=

TELCOM KENYA LIMITEDRESPONDENT

R U L I N G

1. In the Judgment of the court delivered on 18th March 2016, special damages were erroneously stated to be “Kshs.61,300” instead of “Kshs.169,300”. This was a genuine error on the part of the court which led to the total award to the Claimant stated as 5,507,249.50 instead of Kshs.5,676,549.50.
2. The Judgment of the court is accordingly amended to reflect the aforesaid correction.
3. Furthermore, for the avoidance of doubt, the total award of the court, including the amount off-set against the Loan owed to the Respondent by the Claimant was payable with interest at court rates from date of the constructive dismissal until payment in full to defray any interest that may have accrued on his unpaid staff loan.’
4. Furthermore, the Respondent may not off-set from the decretal sum more money than is owed to it upon computing all the payments made by the Claimant towards repayment of the loan.
5. Calculation of interest is not stated to be at a compound rate of interest. That interpretation is not supported by the judgment of the court.
6. The parties are to be guided accordingly.

Ruling Dated, Signed and delivered this...12th day of October , 2018

Mathews N. Nduma

Judge

Delivered and signed in Nairobi this 26th day of October, 2018

Maureen Onyango

Judge

Appearances:-

S. Musalia Mwenesi Advocates for Claimant

M/s. Mbabu & Co. Advocates for Respondent

Daniel Ngumbi : Court Clerk