



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**  
**AT NAIROBI**  
**CAUSE 1503 OF 2013**

*(Before Hon. Lady Justice Maureen Onyango)*

ALIVIDZA KATSA GEORGIANNA.....1<sup>ST</sup> CLAIMANT  
DANIEL KING'ORI MATHENGE.....2<sup>ND</sup> CLAIMANT  
FAITH WANJIKU NJERU.....3<sup>RD</sup> CLAIMANT  
SAMUEL MBURU MACHUA.....4<sup>TH</sup> CLAIMANT

**VERSUS**

**THE INDEPENDENT ELECTORAL AND  
BOUNDARIES COMMISSION.....RESPONDENT**

**FINAL JUDGMENT TABULATION OF  
LEAVE ALLOWANCE**

Judgment in this suit was prepared by Ho. Justice Mathews N. Nderi and delivered by myself on his behalf on 10<sup>th</sup> August 2018. The orders in the judgment were as follows –

- a) The Claimants are declared permanent employees in terms of Section 37 (1) of the Employment Act, 2007 from the date of employment in the respective positions they served the respondent.
- b) Each Claimant to be paid a month's salary in lieu of leave days not taken for each completed year of service.
- c) The Claimants who have since left the employment of the respondent to be provided with certificates of service recognizing their employment in a permanent capacity for the period served.
- d) The payment in (b) above to be computed and paid within 30 days of this judgment. The amount to be paid with interest at court rates from date of filing suit till payment in full.
- e) The respondent to pay the costs of the suit.

On the date of delivery of judgment I directed that parties compute the leave days payable to the claimants for final judgment on the same and fixed the matter for mention on 9<sup>th</sup> October 2018 for the confirmation of the figures.

On 9<sup>th</sup> October 2018 when the matter came up for mention only the claimants had computed. I granted leave to the respondent to file its computation within 14 days and fixed the case for further mention on 26<sup>th</sup> November 2018. The respondent again failed to file its computation by 26<sup>th</sup> November and further by 3<sup>rd</sup> December 2018.

The respondent having failed to compute or to confirm the computation by the claimants the court has no option but to confirm the claimants' computation.

