

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS
COURT OF KENYA AT NAIROBI
CAUSE NO. 1188 OF 2015

TITUS WAMALWA KHAEMBA.....CLAIMANT

VERSUS

TRANSPORT WORKERS UNION.....1ST RESPONDENT

DAN MIHADI (SECRETARY GENERAL).....2ND RESPONDENT

RULING

1. The court has considered the rival computation by the parties filed by the claimant on 31st October 2016 and that by the respondent filed on 21st October 2016 and having regard to the ruling by the court dated 14th October 2016 makes the following final orders;

(i) The claimant served as the secretary of the Airport Branch until 18th August 2016 and is entitled to transport allowance of Kshs.10,000 per month from April 2015 to 18th August 2016 in the sum of Kshs.165,000.

(ii) That the claimant is entitled to the salary of the twin positions for the period July, August and December 2015 at Kshs.80,000 per month in the sum of Kshs.240,000.

(iii) That the claimant was underpaid in the months of September to November 2015 and January to March 2016 by Kshs.40,000 per month and is entitled to Kshs.240,000.

(iv) The claimant is also entitled to a salary of Kshs.40,000 for the period March to 18th August 2016, when he was re-elected as Branch secretary Airport Branch after losing the position of deputy general secretary on (19/3/2016 to 18/8/2016) in the sum of Kshs.180,000.

(v) The claimant is also entitled to payment of operation allowance of Kshs.5,000 per month for the period May 2015 to 18th August 2016 upon re-election on 23rd April 2016 as the secretary of the Airport Branch.

2. Accordingly, the total arrear salary and allowances payable to the claimant is Kshs.902,500 in accordance with the computation filed by the claimant. The computation by the respondent is flawed and is not in accordance with the judgment of the court.

3. The respondent is to pay the costs of the suit.

Dated and delivered at Nairobi this 2nd day of March 2017

MATHEWS NDERI NDUMA

PRINCIPAL JUDGE