

REPUBLIC OF KENYA

EMPLOYMENT & LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 219 OF 2013

FREDRICK LANGAT.....CLAIMANT

VERSUS

NATIONAL WATER CONSERVATION

& PIPELINE CORPORATION.....RESPONDENT

RULING

1. The Application before me is the Claimant/Applicant's notice of motion dated 8th April 2015. The application in a nutshell seeks the calculation of benefits pursuant to judgment. The Claimant seeks payment of various sums tabulated in his application.
2. The Respondent did not accept the tabulations and filed an affidavit on 19th May 2015 sworn by Ezekiah Kipkiai. In it, he deposed that the Claimant was earning a salary of Kshs. 106,630/- a month and not the 109,630/- used by the Claimant to compute his dues. The Respondent also disputed the payment of Kshs. 109,630/- sought as salary in addition to the 6 months compensation.
3. The Court has simple task before it. The Judgment of the Court given on 12th May 2014 was very clear. The Claimant was entitled to 6 months compensation. The Claimant in his claim paragraph 4 set out his basic pay as Kshs. 76,630/- plus house allowance of Kshs. 30,000/- per month. The simple arithmetic brings the sum to Kshs. 106,630/-. This is the sum to be used to calculate the 6 months compensation which is for avoidance of doubt Kshs. 639,780/- plus costs of the suit. There was no order for interest.
4. The Respondent was also ordered to pay the Claimant's service benefits denied him at the time of dismissal. The Respondent does not indicate what these figures are and the Respondent is thus required to file within 14 days of the date of this Ruling a computation of the service benefits due to the Claimant. The application is largely successful but in view of the contribution of each party to the said application, no order will be given for costs.

Orders accordingly.

Dated and delivered at Nairobi this 28th day of **September** 2015

Nzioki wa Makau

JUDGE