



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA

CAUSE NO. 1607 OF 2010

UNION OF KENYA CIVIL SERVANTS.....CLAIMANT

VERSUS

THE PUBLIC SERVICE COMMISSIONRESPONDENT

FINAL JUDGMENT

On 1st August 2013 I delivered judgment in this case and made the following orders:-

1. That the termination of the Grievants be converted to redundancy and that they be paid severance pay as provided in Section 40 of the Employment Act.
2. That the date of redundancy be deemed to be the date of termination and that the Claimants be paid salary and allowance due to them up to 27th September 2011, when they were terminated.
3. That the Grievants be paid for all leave earned and not taken to the date of termination.
4. That the Grievants be paid one month's gross salary in lieu of notice.
5. That all the Grievants be paid one month's gross salary as compensation for their unfair termination.
6. This Judgment relates to only the 293 Grievants referred to in the Claimants list filed in court on 14th March 2013 which contains 303 names but out of which 10 names are repeated.
7. That the labour Commissioner is directed to appoint a Labour Officer to tabulate the actual benefits due to each grievant in terms of this Judgment and file a report in court within 45 days from today that is on or before 16th September 2013.
8. The final Judgment will be rendered after receiving and considering the report of the Labour Officer.
9. That this case shall be mentioned on 30th September 2013 at 9.00 am to consider the report of the Labour Officer and give further directions.

When the parties appeared before me on 30th September 2013 the tabulation of the entitlement of each grievant had not been done. It was only on 3rd March 2014 that the court was informed that the report of the Labour Officer containing the tabulation of the benefits of all the grievants.

The report however contained names of other former employees of the Respondent who were not in the claim. I directed that their names be removed as they were not parties to this claim. On 20th March 2014 the parties submitted to me an amended list containing names of only the grievants whose names were in the memorandum of claim. The parties also confirmed that they had checked the list and the tabulation of terminal benefits were accurate and in conformity with the judgment.

I therefore enter final judgment for the claimants against the Respondent in the sum of Shs. 15,458,045/- as tabulated in the schedule attached hereto.

Orders accordingly.

Read in open Court this 20th March 2014

HON. LADY JUSTICE MAUREEN ONYANGO

JUDGE

In the presence of:

Ms Arati for Claimant

Wamosa for Respondent