

Approved
SWA
16/8/23

**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)**

PUBLIC PETITION

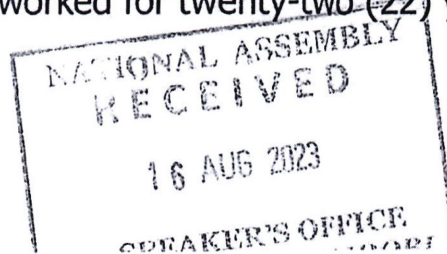
(No. 50 of 2023)

DELAYED PAYMENT OF PENSION BY KENYA RAILWAYS CORPORATION

I, the **UNDERSIGNED**, on behalf of Mr. Benson Asiago Mocheo, an aggrieved Kenyan Citizen;

DRAW the attention of the House to the following:

- 1. THAT**, Article 1 of the Constitution of Kenya 2010, reposes all sovereign authority in the people of Kenya; the people of Kenya have delegated legislative authority to Parliament as the representatives of the people.
- 2. THAT**, Article 10 of the Constitution provides for the national values and principles of governance. The same bind all State organs, State officers, public officers, and all persons.
- 3. THAT**, Mr. Benson Asiago Mocheo worked for the Kenya Railways Corporation for seventeen (17) years from 8th January 1968 to 30th April 1985 as a Station Master on permanent and pensionable terms. In 1984 the University of Nairobi placed an advertisement in the Daily Nation for the position of Assistant Accountant. Public officers in government and parastatals were eligible to apply through their respective Heads of Departments for recommendations and other necessary formalities.
- 4. THAT**, Mr. Benson Asiago Mocheo made an application for the said position through the Managing Director, Kenya Railways Corporation, and was later invited for an interview and offered the advertised position in 1985. He, therefore, forwarded his letter to the Managing Director of Kenya Railways Corporation to release him and transfer his service to the University of Nairobi. The Managing Director of Kenya Railways Corporation authorized Mr. Mocheo's transfer to the University of Nairobi, where he worked for twenty-two (22) years until his retirement in 2006.



5. THAT, the University of Nairobi and Kenya Railways Corporation have severally agreed that the latter would pay Mr. Mocheo's pension for the seventeen (17) years of service at Kenya Railways. However, the University of Nairobi paid Mr. Mocheo's pension for the period worked, but the Kenya Railways Corporation has not paid his dues to date.

6. THAT, twice he has sought redress in court without success as the courts have deemed it time barred. The Kenya Railways Corporation further alleged that –

- a) The University of Nairobi ought to have paid his pension for both the twenty-two (22) years and seventeen (17) years;
- b) Mr. Mocheo has refused to accept a pension payment of Kshs. 527.20 per month as offered by the Corporation;
- c) Mr. Mocheo has refused to pick a pension cheque issued in 2007 by the Corporation; and,
- d) Mr. Mocheo has refused to fill all the census forms; and,

7. THAT, contrary to the allegations by Kenya Railways, Mr. Mocheo claims to have been filing the census forms every year and is not aware of any cheque made in 2007. Further, that the Kshs. 527.20 per month is lower than his rightful entitlement of Kshs. 9002.45 as calculated using his last salary in the year 2006.

THEREFORE, your humble Petitioner prays that the National Assembly through the Public Petitions Committee;

- i.** Inquire into the matter and recommend an appropriate mechanism for resolving the matter for the benefit of the petitioner.
- ii.** recommend action to be taken on all involved in the continued violation of Mr. Benson Asiago Mocheo right to fair administrative action as provided under the Constitution of Kenya 2010 and the Fair Administrative Action Act, No. 4 of 2016;
- iii.** Recommends for payment of the delayed pension to Mr. Benson Asiago Mocheo; and,
- iv.** Makes any other recommendation or action it deems fit to address the plight of the Petitioner.

And your **PETITIONER** will ever pray

PRESENTED BY:



THE HON. (DR.) CHARLES M. ONCHOKÉ M.P.
MEMBER FOR BONCHARI CONSTITUENCY

Date: 15th August 2023.....