



*Approved
SNA
28/5/26.*

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION (2020)
PUBLIC PETITIONS COMMITTEE



REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 26 of 2025 REGARDING PAYMENT
OF OUTSTANDING RETIREMENT BENEFITS FOR THE 1997 RETIRED
TEACHERS' GROUP

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 MAY 2026	
DAY: Thursday	
TABLED BY:	Hon. Maisori Marwa, MP Member, Public Petitions Committee
CLERK-AT THE-TABLE:	Irene Nduku

Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

MAY, 2026

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CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 26 of 2025 regarding payment of outstanding retirement benefits for the 1997 retired teachers' group. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Member of Parliament for North Imenti Constituency Hon. Abdul Rahim Dawood, MP, on behalf of 1997 Retired Teachers' Group comprising of Mr. Samson Mutema and 8 others from North Imenti Constituency.

The Committee considered the Petition and observed that all eligible retirees had been identified as numbering 23,487, of which 887 in the process of being finalized. The award was in phases and applied to those who retired in the corresponding phases.

The Committee recommends that the National Treasury ensures settlement of dues to the remaining 887 retirees within ninety (90) days of tabling of this report, as they had confirmed availability of funds.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ACRONYMS

CEO	Chief Executive Officer
KNUT	Kenya National Union of Teachers
TSC	Teachers Service Commission

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

1. The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference: -
 - i) considering all public petitions tabled in the House;
 - ii) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - iii) recommending whether the findings arising from consideration of a petition should be debated; and
 - iv) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

2. The Public Petitions Committee was first constituted in October 2022 and reconstituted in March 2025 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency
United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency
United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency
**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency
**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Beatrice K. Elachi, CBS, M.P.
Dagoretti North Constituency
Orange Democratic Movement (ODM)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency
United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency
United Democratic Alliance (UDA)

Hon. Peter Irungi Kihungi, M.P.
Kangema Constituency
United Democratic Alliance (UDA)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency
Independent

Hon. Paul Biego Kibichiy, M.P.
Chesumei Constituency
United Democratic Alliance (UDA)

Hon. Patrick Munene, CBS, M.P.
Chuka Igambang'ombe Constituency
United Democratic Alliance (UDA)

Hon. John Bwire Okano, M.P.
Taveta Constituency
**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency
Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency
United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency
**Wiper Democratic Movement-Kenya
(WDM-K)**

1.3 Committee Secretariat

3. The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk

Mr. Victor Weke

Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Mr. Arkan Mumin
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Ms. Fridah Ngari
Media Relations Officer III

PART TWO

2.0 BACKGROUND OF THE PETITION

2.1 Introduction

4. Public Petition No. 26 of 2025 regarding payment of outstanding retirement benefits for the 1997 retired teachers' group was presented by the Hon. Abdul Rahim Dawood, MP, on Wednesday, 22nd February, 2026 on behalf of 1997 Retired Teachers' Group comprising of Mr. Samson Mutema and 8 others from North Imenti Constituency.
5. The petitioners stated that between 1st July 1997 and 31st July 2007, approximately 5,200 teachers retired from the service of the Teachers Service Commission (TSC), having been employees duly registered under the TSC as public servants entitled to pension and retirement benefits.
6. The said teachers were represented in Simon P. Kamau and 190 others vs. Teachers Service Commission, Nakuru High Court Civil Case No. 65 of 2006, which was heard and determined by Hon. Justice David Maraga (as he then was). The Court ruled in favour of the teachers, affirming that the remuneration and benefits arising from the 1997 Taita Arap Towe Commission award applied to all teachers who were in service as of 1st July 1997.
7. Teachers Service Commission (TSC) appealed the decision at the Court of Appeal but was defeated on 12th November 2010, and the Government's subsequent appeal to the Supreme Court in 2013 was similarly dismissed. Further, on 9th December 2015, the Supreme Court declined an application by the Attorney-General seeking review of the Court of Appeal's decision, thereby finalizing the matter in law.
8. Despite the above court rulings being in favour of the petitioners, only one phase of the five agreed payment phases was affected, leaving the majority of the retired teachers without their rightful pension arrears and other accrued benefits.
9. Although the Government had agreed to pay 44,267 of the retired teachers, an estimated 1,733 teachers remain unaccounted for and have not received any payment to date, despite being part of the court-recognized beneficiaries.
10. Many of the petitioners have since passed on without receiving their rightful dues, while the surviving members, now advanced in age, continue to suffer financial distress, neglect, and denial of justice, contrary to the principles of fair administrative action guaranteed under Article 47 of the Constitution and the right to property under Article 40.
11. Efforts by the petitioners to seek redress through various government departments, including the Teachers Service Commission, the National Treasury, and the Office of the Attorney-General, have not yielded a conclusive response or full implementation of the court judgment.
12. Therefore, the matter herein is of urgent national concern and falls within the legislative oversight and justice mandate of the National Assembly to ensure compliance with court decisions and protection of citizens' lawful entitlements.

2.2 Petitioner's Prayers

13. The Petitioners prayed that the National Assembly through the Public Petitions Committee –
- i) Investigates and establishes the status of implementation of the court decisions regarding payment of retirement benefits to the 1997 retired teachers;
 - ii) Recommends immediate settlement of all outstanding dues and arrears to the affected teachers or their legal representatives, including those unaccounted for in the 1,733 pending cases;
 - iii) Directs the Teachers Service Commission and the National Treasury to provide a comprehensive report on payments made, beneficiaries, and the remaining unpaid amounts;
 - iv) Ensures budgetary allocation is made in the next financial cycle to fully settle the outstanding pension and gratuity arrears in accordance with the final court rulings;
 - v) Makes any other recommendation it deems fit to guarantee justice and closure for the retired teachers, their families, and dependents.

PART THREE

3.0 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioner

On Thursday, 26th February, 2026, the Hon. Abdul Rahim Dawood, M.P, appeared before the Committee on behalf of the petitioners and made the following submissions -

14. Between 1st July 1997 and 31st July 2007, approximately 5,200 teachers retired from the service of the Teachers Service Commission (TSC), having been employees duly registered under the TSC as public servants entitled to pension and retirement benefits.
15. The said teachers were represented in *Simon P. Kamau and 190 others vs. Teachers Service Commission*, Nakuru High Court Civil Case No. 65 of 2006, which was heard and determined by Hon. Justice David Maraga (as he then was). The Court ruled in favour of the teachers, affirming that the remuneration and benefits arising from the 1997 Taita Arap Towe Commission award applied to all teachers who were in service as of 1st July 1997.
16. The Teachers Service Commission (TSC) appealed the decision at the Court of Appeal but was defeated on 12th November 2010, and the Government's subsequent appeal to the Supreme Court in 2013 was similarly dismissed. Further, on 9th December 2015, the Supreme Court declined an application by the Attorney-General seeking review of the Court of Appeal's decision, thereby finalizing the matter in law.
17. Despite the above court rulings being in favour of the petitioners, only one phase of the five agreed payment phases was effected, leaving the majority of the retired teachers without their rightful pension arrears and other accrued benefits.
18. Although the Government had agreed to pay 44,267 of the retired teachers, an estimated 1,733 teachers remain unaccounted for and have not received any payment to date, despite being part of the court-recognized beneficiaries.
19. Many of the petitioners have since passed on without receiving their rightful dues, while the surviving members, now advanced in age, continue to suffer financial distress, neglect, and denial of justice, contrary to the principles of fair administrative action guaranteed under Article 47 of the Constitution and the right to property under Article 40.
20. Efforts by the petitioners to seek redress through various government departments, including the Teachers Service Commission, the National Treasury, and the Office of the Attorney-General, have not yielded a conclusive response or full implementation of the court judgment.
21. In *Simon P. Kamau and 190 Others vs. Teachers Service Commission*, the Nakuru High Court ruled in favour of the teachers and affirmed that the remuneration and benefits arising from the 1997 Taita Arap Towett Commission award be applied to all teachers who were in service as of 1st July, 1997. Despite the court ruling, only one phase of the five agreed payment phases was affected leaving the majority of the retired teachers without their rightful pension arrears and other accrued benefits. An estimated 1733 teachers remain unaccounted for and have not received any payment to date.

3.2 Teachers Service Commission

The Ag. Chief Executive Officer, Teachers Service Commission (TSC), Ms. E. J. Mitei, MBS, appeared before the Committee on Wednesday, 1st April, 2026 and submitted as follows;

22. On 11th October 1997, the Kenya National Union of Teachers (KNUT) and the Government of the Republic of Kenya entered into an Agreement to increase the remuneration payable to teachers in the public service.
23. This Agreement crystalized in Legal Notice No. 534 of 1997 and was applicable to all teachers in the employment of the Commission at the material time. It was an integral term of the agreement duly negotiated and agreed by parties that the salary award was to be implemented and paid in five (5) phases with effect from 1st July, 1997 to 1st July, 2001 for a period of five (5) years.
24. The Legal Notice Number 534 of 1997 was followed with an implementation Circular No. 13 of 1997 which captured and elaborated the terms of the Agreement and stipulated the salaries payable to the teachers in each year.
25. The Government implemented the 1st phase of the Agreement which was duly paid to all teachers in October 1997. Due to economic constraints, the subsequent phases from 1st July, 1998 were not paid.
26. In December, 2002, parties to the Agreement, (the Government and the Kenya National Union of Teachers-KNUT) re-negotiated and mutually signed a further Agreement to pay the remaining four (4) phases within a period of Ten (10) years with effect from 1st July, 2003.
27. Further, in an Agreement signed on the 24th May, 2003, parties renegotiated and agreed that the ten (10) phases be reduced to six (6) to be implemented within a period of six (6) years.
28. In the spirit of continued engagement, the payment plan was further reduced to five (5) phases in an Agreement signed on 1st March, 2007.

LITIGATION HISTORY

A. Nakuru High Court Civil Suit No. 65 of 2006

29. On 27th March, 2006, twenty (20) teachers acting on behalf of their colleagues filed a representative suit in the High Court at Nakuru wherein they claimed: -

- i) *Declaration that the outcome of the representative suit will apply to all retired teachers.*
- ii) *Declaration that the Plaintiffs together with all other retired teachers are entitled to their retirement benefits inclusive of all other benefits provided for in the 1997 Agreement between the Government of Kenya and the Kenya National Union of Teachers.*
- iii) *An order that the defendant pay the Plaintiff's all unpaid benefits to-date;*
- iv) *Cost of the suit;*
- v) *Any other relief that this Honourable court may deem fit.*

30. On 23rd October, 2008, the Court delivered its judgement on the matter and ordered that together with all other teachers covered by the Agreement dated 11th October, 1997, they are entitled to their Retirement benefits based on the entire Agreement and circular 13 of 1997,

B. Nakuru Civil Appeal No. 300 of 2009

31. The Government being dissatisfied with the judgment of the High Court appealed to the Court of Appeal in Nakuru Civil Appeal No. 300 of 2009, which Appeal was heard and determined on 12th November, 2010.

C. Nakuru Judicial Review No. 18 of 2012

32. The retired teachers filed a Judicial Review Application seeking Orders to compel the Commission Secretary and the Director of Pensions to pay to the teachers their enhanced retirement benefits as per the judgement. The teachers also filed an application to cite the Commission Secretary/CEO for contempt of Court for failing to implement the Court Order.

D. Application for Leave to Appeal to the Supreme Court

33. In 2013, the Government through the Attorney General sought leave from the Court of Appeal to appeal against the Judgement of the Court of Appeal to the Supreme Court. While the Court of Appeal agreed that the Application raised substantial issues of law and fact, the prayers were declined on one ground that there was unreasonable delay on the part of Government in filing the application.

E. Supreme Court Application No. 38 of 2014

34. In September 2014, the Attorney General filed an Application at the Supreme Court seeking review of orders of the Court of Appeal that denied Government leave to appeal the matter to the Supreme Court. However, on 9th December, 2015, the Supreme Court delivered its Ruling in the matter and declined to grant leave to the Government to file a further Appeal on grounds that there was inordinate delay on the part of the Government.

IMPLEMENTATION OF THE JUDGEMENT IN NAKURU HCCC 65 OF 2006

35. After exhausting all judicial avenues provided by law, the Government resolved to implement the Court Judgement and pay the teachers their enhanced Pension benefits based on the 1997 Agreement.
36. The Commission commenced the exercise under strict supervision of the Court. The process commenced with identification of all teachers who had existed service between 1st July 1998 and 30th June 2003. This exercise was done in liaison with the Director of Pensions, National Treasury.

37. Pursuant to the identification exercise it was established that a total of 23,487 teachers had exited service between 1/7/1998 to 30/6/2003 and were entitled to enhanced pension emoluments under the Court award.
38. It is therefore worth noting that the Commission complied with the Court order and processed the revised Pension claims in respect of all teachers who retired or died in service during the financial years 1998/99, 1999/ 2000, 2000/01, 2001/02 and 2002/03 respectively and submitted for payment to the Director of Pensions, National Treasury.
39. Teachers who retired during the financial year 1997/1998 had their salaries reviewed with effect from 1st July 1997 in line with Legal Notice No. 534 of 1997 and TSC Circular 13 of 1997. Similarly, teachers who exited service after 1st July,2003 were similarly paid the renegotiated salaries.
40. It is only the category of teachers who exited on 1/7/1998 to 30/6/2003 who did not benefit from the subsequent phases since they had already exited service.

SPECIFIC RESPONSE TO THE PETITION

41. It is worth noting that the teachers who are entitled to benefit under the Court order are those who retired without earning their respective salary awards as per the phases contained in the Agreement.
42. To this end, only teachers who retired between 1st July, 1998 and 30th June, 2003 are entitled to benefit under the Agreement since they left service without earning their respective salary phases leading to underpayment of their pension emoluments.
43. Accordingly, the allegation in the Petition enlarging the beneficiaries to teachers who exited service period from 1997 to 2007 is erroneous and misleading. Any attempt to revise the Pension emoluments for teachers who exited service after 1st July, 2003 will amount to double payment.
44. The Committee should note that the 1997 Salary Agreement was renegotiated between KNUT and the Government and a new Agreement signed and gazetted as Legislative Supplement No 10 of 2003 dated 21/02/2003.
45. The same was implemented with effect from 1/7/2003 by the then NARC Government. Any teacher who retired after July 2003 earned their respective phases and their pension benefit were correctly paid hence not entitled for a further revision. It is only those teachers who retired between 1/7/1998 and 30/6/2003 who exited without earning a single phase.
46. She further noted that when the teachers' representatives filed the suit, they only sought for enhanced pension benefits. Accordingly, the Government obligation under the judgement was to pay enhanced pension emoluments as per the Judgement. This was clarified in the Court's Ruling dated 17/10/2019.
47. Lastly, both the 1997 Agreement and the re-negotiated Agreement were payable in phases. Accordingly, a teacher could not claim payment for a future phase that was yet to crystalize. For example, a teacher who retired in 1997 and was paid could not claim the 1998 phase.
48. Notably, the Government committed to fully comply with the Judgement and commenced processing the Pension claims for the teachers who were entitled subsequently to the same.

49. On its part, the Commission has processed all the relevant documents for the 23,487 teachers and submitted to the National Treasury for payment as per the law.

3.3 The National Treasury

The Principal Secretary, National Treasury, Dr. Chris Kiptoo, CBS, on 14th April, 2026 submitted as follows;

50. The matters raised in the Petition arise from the implementation of the salary award agreed on 11th October 1997 between the Government of the Republic of Kenya and the Kenya National Union of Teachers (KNUT).
51. On 11th October 1997, the Kenya National Union of Teachers (KNUT) and the Government of the Republic of Kenya entered into an Agreement to increase the remuneration payable to teachers in the public service. This agreement crystalized in Legal Notice No. 534 of 1997 and was applicable to all teachers in the employment of the Commission at the material time.
52. It was an integral term of the agreement duly negotiated and agreed by parties that the salary award was to be implemented and paid in five (5) phases with effect from 1st July, 1997 to 1st July, 2001 for a period of five (5) years.
53. The Legal Notice Number 534 of 1997 was followed with an Implementation Circular No. 13 of 1997 which captured and elaborated the terms of the Agreement and stipulated the salaries payable to the teachers under each year.
54. The Government implemented the 1st phase of the Agreement which was duly paid to all teachers in October 1997. However, due to economic constraints the subsequent phases from July, 1998 were not paid.
55. On 19th September 2002 the Government issued the Teachers Service Commission (Remuneration of Teachers) (Revocation) Order, 2022 which had the effect of revoking the Agreement of 1997.
56. In February 2003, parties to the revoked agreement of 1997, (the Government and KNUT) re-negotiated and mutually signed a fresh Agreement to pay the four phases that would otherwise have been paid under the revoked agreement within a period of Ten (10) years with effect from 1st July, 2003.
57. Further, in an Agreement signed on the 24th May, 2003 parties renegotiated and agreed that the ten (10) phases be reduced to six (6) phases to be implemented within a period of six (6) years.
58. In the spirit of continued engagement, the payment plan was further reduced to five (5) phases in an Agreement signed on 1st March, 2007.
59. The Committee may be aware of court actions that came in the way of implementing the agreement of 11th October 1997, as contained in Legal Notice No. 534 of 1997, some of which sucked in the National Treasury by virtue of being the administrator of public service pensions through the Pensions Department. It is significant to mention the cases as they give context to the matter under consideration.

COURT MATTERS

A. Nakuru High Court Civil Suit No 65 of 2006

60. On 27th March, 2006, twenty (20) teachers acting on behalf of their colleagues filed a class action suit in the High Court at Nakuru wherein they claimed: -

- i) Declaration that the outcome of the representative suit will apply to all retired teachers;*
- ii) Declaration that the Plaintiffs together with all other retired teachers are entitled to their retirement benefits inclusive of all other benefits provided for in the 1997 agreement between the Government of Kenya and the Kenya National Union of Teachers.*
- iii) An order that the defendant pay the Plaintiff's all unpaid benefits to-date;*
- iv) Costs of the suit;*
- v) Any other relief that this Honourable court may deem fit.*

61. On 23rd October, 2008, the Court delivered its judgment and ordered that the 20 teachers, who initiated the suit, together with all other teachers covered by the Agreement dated 11th October, 1997, were entitled to their Retirement benefits based on the entire agreement and Circular.

B. Nakuru Civil Appeal No. 300 of 2009

62. The Government being dissatisfied with the judgment of the High Court appealed to the Court of Appeal in Nakuru Civil Appeal No. 300 of 2009, which Appeal was heard and determined on 12th November, 2010. In its judgment, the Court of Appeal decreed that the last salary be computed in a manner that incorporates all the terms of the agreement between parties.

C. Nakuru Judicial Review No. 18 of 2012

63. The retired teachers filed a Judicial Review Application seeking orders to compel the Commission Secretary and the Director of Pensions to pay to the teachers their enhanced retirement benefits as per the judgment. The teachers also filed an application to cite the Commission Secretary for contempt of Court for failing to implement the Court Order.

D. Application for Leave to Appeal to the Supreme Court

64. In 2013, the Government through the Attorney General sought leave from the Court of Appeal to appeal against the Judgment of the Court of Appeal to the Supreme Court. The Court agreed that the Application raised substantial issues of law and fact. However, the prayers were declined on the ground that there was unreasonable delay on the part of Government in filing the application.

E. Supreme Court Application No. 38 of 2014.

65. In September 2014, the Attorney General filed an Application at the Supreme Court seeking review of orders of the Court of Appeal that denied Government leave to appeal the matter to the Supreme Court. However, on 9th December, 2015, the Supreme Court delivered its ruling in the matter and declined to grant leave to the Government to file a further appeal on grounds that there was inordinate delay on the part of the Government.

IMPLEMENTATION OF THE JUDGMENT IN NAKURU HCCC 65 OF 2006

66. After exhausting all judicial avenues provided by law, the Government resolved to implement the Court Judgment and pay the teachers their enhanced Pension benefits based on the 1997 Agreement.
67. The Teachers Service Commission commenced the exercise of identifying the teachers who exited service without benefiting from their respective phases under the Agreement. In keeping with the established procedures, the TSC would originate the revised claims and submit to the Pensions Department of the National Treasury for payment.
68. The National Treasury has received a total of 23,487 revised pension claims from the Teachers Service Commission. Of these, 22,600 claims have been processed and paid, amounting to Kshs. 17,776,459,524.
69. The balance of 887 claims largely relates to cases falling within the 1997/1998 financial year. While these were within the category to be subjected to review, with the salary adjustment applicable for that period having already been effected before the point of exit, the review did not result in any additional financial entitlement in respect of such cases. A small number of claims remain under processing and are being finalized in accordance with established administrative procedures.

CLARIFICATION ON FIGURES AND ALLEGED DISCREPANCIES

70. The figures cited in the Petition differ materially from the verified records held by both the TSC and The National Treasury.
71. The Petition refers to:
- i) Approximately 5,200 teachers retiring between 1997 and 2007;
 - ii) A total of 44,267 teachers allegedly agreed for payment; and
 - iii) 1,733 teachers stated to be unpaid or unaccounted for.
72. It is important to clarify that:
- i) The figure of 23,487 teachers represents the verified number of eligible cases identified by the Teachers Service Commission and submitted to the National Treasury, strictly in accordance with the Court judgment.
 - ii) The reference to 44,267 teachers does not relate to the court-sanctioned beneficiary cohort, but appears to derive from a broader and unverified aggregation of teachers across multiple periods, including those not eligible under the judgment.

iii) The cited figure of 1,733 unpaid teachers is not supported by official records. The verified outstanding cases currently stand at 887, the majority of which, as earlier indicated, relate to the 1997/1998 cohort where no additional financial benefit accrued upon review, with only a small fraction pending administrative finalization. All verified and eligible claims have either been paid or are at advanced stages of processing. The few cases pending are being addressed expeditiously within the existing administrative and budgetary framework. The budget for this category is adequate.

73. In conclusion the Court judgment did not create a blanket entitlement for all teachers who retired between 1997 and 2007. The teachers eligible for revised pension are those who retired between 1st July 1998 and 30th June 2003 since they left service without earning their respective phases of salary increase under the 1997 agreement, leading to corresponding underpayment of their pension benefits. Entitlement is strictly limited to those who exited service without benefiting from the phased salary increments under the 1997 Agreement.
74. Accordingly, the allegation at Paragraph 1 of the Petition enlarging the period from 1997 to 2007 is erroneous and misleading. The effect of the 1997 Salary Agreement expired on 19th September 2002, when it was revoked paving way for the new Agreement signed and gazetted as Legislative Supplement No 10 of 2003 dated 21/02/2003.
75. Any teacher who retired after 30th June 2003 was under purview of the new agreement.
76. The National Treasury has worked determinedly with the TSC to ensure that all inquiries related to specific claims are resolved in an expeditious manner to enable the retired teachers get their rightful dues.

PART FOUR

4.0 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner, the Teachers Service Commission and the National Treasury the Committee observed that—

77. On 11th October 1997, KNUT and the Government of the Republic of Kenya entered into an Agreement to increase the remuneration payable to teachers in the public service.
78. The salary award was to be implemented and paid in five (5) phases with effect from 1st July, 1997 to 1st July, 2001 for a period of five (5) years.
79. The Government implemented the 1st phase of the Agreement which was duly paid to all teachers in October 1997. However, due to economic constraints the subsequent phases from July, 1998 were not paid.
80. On 19th September 2002 the Government issued the Teachers Service Commission (Remuneration of Teachers) (Revocation) Order, 2022 which had the effect of revoking the Agreement of 1997.
81. In February 2003, parties to the revoked agreement of 1997, (the Government and KNUT) re-negotiated and mutually signed a fresh Agreement to pay the four phases that would otherwise have been paid under the revoked agreement within a period of Ten (10) years with effect from 1st July, 2003.
82. Further, in an Agreement signed on the 24th May, 2003 parties renegotiated and agreed that the ten (10) phases be reduced to six (6) phases to be implemented within a period of six (6) years, further reduced to five (5) phases in an Agreement signed on 1st March, 2007.
83. The Court judgment had the effect that the teachers eligible for revised pension were **those who retired between 1st July 1998 and 30th June 2003 since they left service without earning their respective phases of salary increase under the 1997 agreement, leading to corresponding underpayment of their pension benefits**. Entitlement is strictly limited to those who exited service without benefiting from the phased salary increments under the 1997 Agreement.
84. The National Treasury submitted a comprehensive list of all 23,487 claims to the Committee, and stated that 887 were pending and were being processed.

PART FIVE

5.0 COMMITTEE RECOMMENDATIONS

85. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

- i) On the prayer that the Committee investigates and establishes the status of implementation of the court decisions regarding payment of retirement benefits to the 1997 retired teachers; **The Committee notes that the court decisions in *Simon P. Kamau and 190 Others vs. TSC* (Nakuru HCCC No. 65 of 2006) were final and binding. The Government subsequently implemented the award by identifying 23,487 eligible teachers (those who retired between 1st July 1998 and 30th June 2003). Of these, 22,600 teachers have been paid a total of Kshs. 17,776,459,524. A balance of 887 claims remain pending, the majority of which (1997/98 cohort) attract no additional financial entitlement, with only a small fraction undergoing routine finalization.**
- ii) On the prayer that the Committee recommends immediate settlement of all outstanding dues and arrears to the affected teachers or their legal representatives, including those unaccounted for in the 1,733 pending cases; **The Committee recommends that the National Treasury should settle the outstanding 887 pending claims within ninety (90) days of tabling of this report.**
- iii) On the prayer that the Committee directs the Teachers Service Commission and the National Treasury to provide a comprehensive report on payments made, beneficiaries, and the remaining unpaid amounts; **The Committee notes that the Teachers Service Commission and the National Treasury did submit the list of beneficiaries and status of payment of all beneficiaries.**
- iv) On the prayer that the Committee ensures budgetary allocation is made in the next financial cycle to fully settle the outstanding pension and gratuity arrears in accordance with the final court rulings; **The Committee notes that the National Treasury confirmed that existing funds were adequate to settle the outstanding balances.**

Signed: _____



Date: _____

28/05/26

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	28 MAY 2026
DAY:	Thursday
TABLED BY:	Hon. Maisori Marwa, MP Member, Public Petitions Committee
CLERK-AT THE-TABLE:	Irene Nduku

ANNEXURES

- Annex 1: The Adoption List
- Annex 2: Public Petition No. 26 of 2025 regarding payment of outstanding retirement benefits for the 1997 retired teachers' group.
- Annex 3: Minutes of *proceedings*



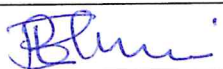
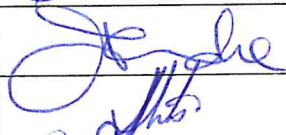
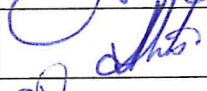
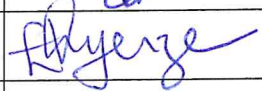
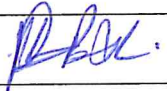
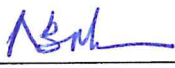
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) Consideration and adoption of the P/No.26/2025 by Hon. Rahim Dawood, MP on behalf of 1997 Retired Teachers Group represented by Mr. Samsson Mutema regarding Non-payment of outstanding retirement benefits for the 1997 Retired Teachers' Group.

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE 6/5/2022

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, CBS, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	

