

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR
RELATIONS COURT AT NAKURU
CAUSE NUMBER E053 OF 2025**

BETWEEN

KENYA UNION OF DOMESTIC , HOTELS,
EDUCATIONAL INSTITUTIONS & HOSPITAL
WORKERS [KUDHEIHA]CLAIMANT

VERSUS

THE BOARD OF MANAGEMENT
NYAKIAMBI GIRLS SECONDARY SCHOOL
RESPONDENT

Rika J

Court Assistant: Emmanuel Kiprono

Ms Wairimu, Industrial Relations Officer for the Claimant

No appearance for the Respondent

JUDGMENT

1. The Claimant filed the Statement of Claim dated 29th August 2025.
2. The Claim is brought on behalf of the Claimant’s member [Grievant], Samuel Gachau, a former Employee of the Respondent.
3. The Grievant was employed by the Respondent on 28th August 2005, and retired on 1st July 2023.

4. He worked for a creditable period of 18 years.
5. He claims gratuity at the rate of 1 month basic salary for each complete year of service, pursuant to clause 20 of the Ministry of Education, Science and Technology Circular Min/P/SP/9/3, dated 27th June 1996. Gratuity is quantified at Kshs. 373,068 based on a monthly salary of Kshs. 20,726.
6. The Claimant prays on behalf of the Grievant, for leave pay of 3 years, at the rate of 21 days yearly, amounting to Kshs. 43,524.
7. The Claimant avers that the Grievant worked on 11 public holidays for 3 years, and seeks a sum of Kshs. 439,391.
8. Other prayers include costs, interest and any other suitable order.
9. The Respondent did not enter appearance or file any form of response to the Claim.
10. The Claim was mentioned 12th November 2025 in the absence of the Respondent, and scheduled for formal proof, on 27th January 2026.
11. Prior to presentation of the Claim before the Court, it was referred to the Labour Office for conciliation. The Respondent declined invitation to attend conciliation meeting. The conciliator issues a certificate of unresolved dispute under Section 69 of the Labour Relations Act, 2007, paving the way for filing of the Claim.

12. The Grievant told the Court he is a resident of Ol Kalou. He adopted his witness statement dated 29th August 2025, and documents filed by the Claimant, exhibits [1-18]. He retired on 1st July 2023 at the age of 63. The sitting Principal Irene, had committed to pay the Grievant his retirement package, but was transferred before she could do so. The Grievant was paid nothing.

The Court Finds: -

13. The Claim is undefended. The Respondent has avoided the Court, and the conciliation process before.
14. The pleadings, evidence and submissions presented by the Claimant, on behalf of the Grievant, are uncontested.
15. The Claimant has established its case to the required standard.
16. It is unfortunate that the Respondent retired the Grievant after 18 years of service, at the age of 63 years, without any form of benefits. Such conduct is deprecated.

IT IS ORDERED :-

- a. ***The Respondent shall pay to the Grievant through the Claimant, gratuity, leave and public holidays at a total sum of Kshs. 439,391.***

- b. Costs to the Claimant.**
- c. Interest allowed at court rate, from the date of Judgment, till payment is made in full.**

Dated, signed and delivered electronically at Nakuru, under Rule 68 [5] of the E&LRC [Procedure] Rules, 2024, this 30th day of April 2026.

James Rika
Judge



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