



**Sang v Siginon Group Limited (Cause 613 of 2019)
[2025] KEELRC 724 (KLR) (7 March 2025) (Judgment)**

Neutral citation: [2025] KEELRC 724 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 613 OF 2019
B ONGAYA, J
MARCH 7, 2025**

BETWEEN

ROSE SANG CLAIMANT

AND

SIGINON GROUP LIMITED RESPONDENT

JUDGMENT

1. The claimant filed the memorandum of claim on 16.09.2019 through Ogembo & Associates Advocates. The claimant prayed for judgment against the respondent for the following orders:
 - a. A declaration that the claimant’s dismissal from the respondent’s employment was unprocedural, unfair, unlawful and unconstitutional.
 - b. General damages on account of discrimination.
 - c. Reinstatement to respondent’s Group Human Resource and Administration Manager.
 - d. Permanent injunction restraining the respondent by itself, servant and agents from headhunting, advertising, and recruiting and employing Group Human Resource and Administration Manager to replace the claimant within employment.
 - e. In alternative to prayer (c), 12 months’ compensation for unfair termination; 3-months’ salary in lieu of termination notice; costs of the suit; any other relief the court may deem appropriate to grant.
2. The claimant’s case was as follows:
 - a. She was employed by the respondent on 01.11.2018 as the Group Human Resource and Administration Manager.



- b. On 06.08.2019 she received a show cause letter. It was alleged that she had failed to complete her masters course work, she had not indicated in her CV that she served with Eco Bank Limited for 3 months from January to 31st March 2014, and insubordination in that she had failed to complete a provided form within stipulated period showing her employment history. The charges were subsequently reduced to two being insubordination and failure to disclose in her CV her service with Eco Bank.
 - c. On 28.08.2019 she requested to be provided further details on the allegations. The Managing Director responded by letter dated 29.08.2019 stating that the letter to show cause disclosed the details of allegations and that she had failed to disclose her service at Eco Bank between January to March 2014.
 - d. She attended the disciplinary hearing on 30.08.2019 and received the termination letter dated 13.09.2019.
 - e. The claimant alleges that she was dismissed for failing to disclose the reason why she left Eco Bank and not failure to state in her CV that she worked for Eco Bank. The claimant also alleged that she was singled out for disciplinary process because she was a woman. The male counterparts whose employment records with respect to professional records and CVs were incomplete were not subjected to disciplinary process. It is her case that the reason for termination was unfair.
3. The respondent filed the memorandum of response dated 14.12.2021 through Okweh Achiando & Company Advocates. The respondent prayed that the suit be dismissed with costs. The respondent further case was pleaded as follows:
- a. The respondents has admitted that it employed the claimant as pleaded for the claimant.
 - b. The reasons for dismissal were fair and were per the allegations in the show cause letter.
 - c. The claimant designed her CV to mislead and deceive the respondent about her previous employment history and experience.
 - d. The respondent asked the claimant to provide her academic transcripts for her Master's Program and to provide her CV in a prescribed format. A reminder was made by the email dated 15.07.2019. The claimant failed to provide the information.
 - e. The last claimant's employer was Eco Bank and prior to her moving into consultancy. If she provided the information about service with Eco Bank, the respondent would have discovered that she had served with Barclays Bank where she had been terminated on account of false information about her employer, the Kenya Airways.
 - f. The claimant failed to exculpate in her response to the show cause letter and at the disciplinary hearing on 30.08.2019.
 - g. The claimant has failed to establish the alleged violation of Article 27 of *the Constitution* on freedom from discrimination.
4. The claimant testified to support her case and the respondent's witness (RW) was Meshack Kipturgo, the respondent's Managing Director. Final submissions were filed for the parties. The Court has considered all the material and returns as follows:
- a. There is no dispute that the claimant was employed by the respondent. The claimant was subsequently dismissed by the letter of termination dated 13.09.2021.



- b. The reasons for termination were two. First was omitting to provide in the CV crucial information and in particular failure to show the service with Eco Bank. Second was failure to provide in the provided form details of her employment history as was directed and in particular per the Managing Director's email of 15.07.2019.
- c. The Court has considered the testimonies by the claimant and by RW and returns that the procedure leading to the termination and the reasons were both fair. The claimant received the letter to show cause, she responded, the information she asked for was provided on a day prior to the disciplinary hearing, she attended disciplinary hearing, the panel was constituted per her demands whereby the Board Chairperson recused, and the termination letter issued. The claimant testified that by her own volition she opted not to administratively appeal. The Court finds that the respondent substantially complied with the procedure on notice and hearing per section 41 of the *Employment Act*, 2007. It was submitted for the claimant that the information she requested on particulars missing on her CV had been provided belatedly a day before the hearing. However, the Court has considered the submission and finds that looking at the nature of the allegations, it cannot be said that the claimant was prejudiced and no such adverse effect has been shown and the information was such that it was readily within the claimant's personal knowledge not requiring an in-depth search, research or investigation to find the true position in view of the levelled allegations.
- d. Confirming the reasons for termination, the claimant testified that she had worked for Eco Bank for three months and she had omitted that information in her CV at the time of recruitment. She also confirmed the insubordination that she had been required to provide her employment history per the email of RW dated 15.07.2019 but had failed to do so as required by 18.07.2019 and had completely neglected to comply. RW confirmed the reasons as well in his testimony. Accordingly and as submitted for the respondent, the reasons were fair and valid per sections 43 and 45 of the Act.
- e. As submitted for the respondent, the claimant has failed to pass the test for establishing discrimination. The claimant did not provide evidence of the men who may have provided incomplete employment or CV records and that no disciplinary proceedings were preferred. It is not shown that her employment was terminated on account of her being a woman. The evidence is that she was terminated on account of her own misconduct upon valid and fair reasons. The claims for discrimination will collapse as unjustified.
- f. It is that the claimant failed to clear with the respondent and therefore has not been paid the terminal dues per the termination letter. In absence of a counterclaim on liabilities she may have owed the respondent, the Court considers that it is just for the terminal dues to be paid as enumerated in the termination letter. In that consideration each party will bear own costs of the suit.

In conclusion, judgment is hereby entered for the parties and the suit determined with orders:

- a. The respondent to compute and pay the claimant per the termination namely monthly salary up to 13.09.2019; 3-months' salary in lieu of notice; leave days earned and not taken; and, pension in accordance with Scheme Rules.
- b. Each party to bear own costs of the suit.

SIGNED, DATED AND DELIVERED BY VIDEO-LINK AND IN COURT AT NAIROBI THIS FRIDAY 7TH MARCH, 2025

BYRAM ONGAYA



PRINCIPAL JUDGE

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