



**Lolmeteti v Kenya Kazi Services Limited (Cause 1110 of 2015)
[2025] KEELRC 1110 (KLR) (3 April 2025) (Judgment)**

Neutral citation: [2025] KEELRC 1110 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 1110 OF 2015**

MN NDUMA, J

APRIL 3, 2025

BETWEEN

JOSPHAT LOLMETETI CLAIMANT

AND

KENYA KAZI SERVICES LIMITED RESPONDENT

JUDGMENT

1. Cause No. 1110 of 2015 was heard and determined as a test suit in a judgment dated 16/12/2021. Parties took time to reach settlement on assessment of compensation and payment of terminal benefits in respect of Cause No. 1109, 1736 and 1738 of 2025 but failed. The court proceeds to determine the respective suits on the aforesaid matters arising from same circumstance.

1.Cause No. 1109 of 2025 Nicholas Omari Mokaya

2. The Claimant's employment ended by a termination letter dated 4/12/2014. At the time of termination, the Claimant was not paid salary for the month of November and December 2014. The Claimant earned Kshs. 17,846/= per month and worked as a Crew Commander from 3/9/2014. The Claimant was not paid in lieu of notice upon termination. The circumstances of termination are similar in all material respects with the test suit except that the Claimant in the test suit worked as a crew commander from the year 2012 upto the date of dismissal on 4/12/2014. The Claimant in this case had served for only three (3) months.
3. Having considered the factors under section 49(1)(c) and (4) of the *Employment Act* 2007 and the cases cited in the test suit, the court awards the Claimant two (2) months' salary in compensation in the sum of Kshs. (17,846 x 2) 35,692.00
 - i. Kshs. 12,846, in lieu of notice
 - ii. Kshs. 17,846.00 being one-month unpaid salary



- iii. Kshs. 4,461 pro rata leave not taken total Kshs. 75,845.00
- iv. costs of the suit
- v. interests at court rates from date of judgment till payment in full.

1736 of 2015

4. In Cause no. 1736 of 2015, the Claimant Evans Barare Momanyi was employed as a crew commander at a monthly salary of Kshs. 21,800.00 on a date that cannot be ascertained from the pleadings. The Claimant's employment was terminated in a similar manner and circumstances as in the test suit. The court in assessing the compensation is unable to determine the length of service by the Claimant. The Claimant is, however, owed payment in lieu of leave days not taken and unpaid salary for the month of November and December 2014. The court having considered facts set out under section 49(1)(c) and (4) as set out in the test judgment awards the Claimant the equivalent of two (2) months' salary in compensation for the unlawful termination in the sum of Kshs. (21,800 x 2) 43,600.00.
5. In the final analysis judgment is entered in favour of the Claimant against the Respondent as follows:-
- a. Kshs. 21,800.00 in lieu of one month notice
 - b. Kshs. 43,600.00 being unpaid salary for November and December 2014
 - c. Kshs. 16,350.00 pro rata leave and
 - d. Kshs. 43,600.00 being equivalent of two months' salary in compensation
Total award Kshs. 125,350.00
 - e. Costs of the suit
 - f. Interest at court rates from date of judgment till payment in full.

1738 of 2015

6. In Cause No. 1738 of 2015 the Claimant Paul Maina Kiarie was dismissed under similar circumstances as the Claimant in the test suit. Considering all factors set out in the test suit, the court awards the Claimant as follows:-
- a. Kshs. 17,000.00 in lieu of one-month notice.
 - b. Kshs. 34,000.00 being unpaid salary for the month of November and December 2014.
 - c. Kshs. 4,250.00 pro rata leave days not taken
 - d. Equivalent of two (2) months' salary in compensation for the unlawful dismissal the court having not been able to ascertain the length of service of the Claimant from the pleadings in the sum of Kshs. 43,600.00.
Total award Kshs. 98,850.00
 - e. Costs of the suit
 - f. Interest at court rates from date of judgment till payment in full

DATED AT NAIROBI THIS 3RD DAY OF APRIL 2025

MATHEWS NDUMA



JUDGE

Appearance:

Mr. Waiganjo for Claimant

Mr. Kamau for the Respondent

Mr. Kemboi – Court Assistant

