



Awimbo v Kenya Hospital Association t/a The Nairobi Hospital (Cause E395 of 2020) [2025] KEELRC 1967 (KLR) (27 June 2025) (Judgment)

Neutral citation: [2025] KEELRC 1967 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E395 OF 2020
NJ ABUODHA, J
JUNE 27, 2025**

BETWEEN

SUJI WALTER AWIMBO CLAIMANT

AND

**KENYA HOSPITAL ASSOCIATION T/A THE NAIROBI
HOSPITAL RESPONDENT**

JUDGMENT

1. By a statement of claim dated 29th July, 2020 the claimant pleaded inter alia:-
 - a. The Claimant was employed by the Respondent in August 2015; He successfully went through probation and was confirmed as a permanent employee (Medical Officer II) on 06/02/2016 through a letter dated 06/12/2016.
 - b. It is very significant to note that the practice then was to retain Medical Officers for 3~6 months under a centralized oversight prior to dispatch to peripheral centers; The Claimant was however, deemed too capable and was sent out within 3-4 weeks from the date of appointment.
 - c. Upon employment, between 07/08/2015 and July 2018, the Claimant was attached to the Galleria Outpatient Centre where he was the Team Leader; Thereafter, just before commencing his postgraduate studies, he was moved from the Galleria Outpatient Centre to the Accident and Emergency department at the main hospital.
 - d. It is important to note that at this point that the Claimant had a very difficult working relationship with his unit manager named Dr. Aysha Edwards, who was not supportive at all.
 - e. Notwithstanding the frustrations from Dr. Aysha Edwards, the Claimant was made team leader within eight (8) months. While serving at the Galleria clinic, the Claimant always



received commendations, from staff, management and patients. In addition, this Centre consistently ranked highly in clinical and service delivery aspects.

- f. It therefore came as a shock when the Respondent summarily dismissed the Claimant from employment on 6/05/2019. This was after being taken thorough asham and biased disciplinary process.
 - g. The reason given for summary dismissal action was that the Claimant had issued a three (3) day sick off to a patient who had not been registered within the system at the Accident and Emergency Department.
 - h. The truth of the matter is that the Claimant saw one Ms Angela Priscilla Ngesa on the morning of 14/04/2019 at about 5.42am following a road traffic accident involving her fiancée; This patient was distraught and needed proper psychiatric evaluation, which could not be offered at the Accident and Emergency Department.
 - i. In discharging his responsibilities as a medical officer, the Claimant prescribed for the aforesaid patient some medicine - alprazolam 0.5 mg for three (3) days, issued a 3 day sick off from work and referred her to the psychiatric clinic on 15/04/2019.
 - j. As the hospital floor was very congested at the time with very many patients, the Claimant considered it prudent as well as in the best interests of the Respondent to try and clear the floor by seeing as many patients as possible.
 - k. Consequently, instead of personally scanning the subject patient's notes/documents into the system as required, he handed over his manual notes and documents about Ms Angela Priscilla Ngesa to one of the nurses around for scanning and updating of the patient file for record keeping purposes.
 - l. It transpired later on that the nurse in question did not feed Ms. Ngesa's information in the Respondent's system; This kind of oversight, given the time of the day - early morning, (5.42am), general body tiredness as well as fatigue arising out of the huge workload, cannot meet the threshold of gross misconduct for a medical practitioner.
 - m. Subsequently thereafter, the Claimant came to learn that Ms. Angela had a history of obtaining multiple leaves of absences of work from various hospitals; It was claimed that the Claimant had colluded with Ms. Angela in her efforts to defraud her employer and her insurance company by issuing her the three (3) sick days.
 - n. The above false allegations against the Claimant were based on the fact that by failing to ensure that the manual notes were scanned into the system, Ms. Ngesa remained unregistered within the Accident and Emergency system.
 - o. On 02/05/2019, the Claimant received an inter-office memorandum from Dr. Aysha Edwards, who was her supervisor, requesting him to show cause why disciplinary action should not be taken against him on account of the matters raised herein above
 - p. As if the foregoing is not unlawful enough, the Respondent has declined to settle the Claimant's final dues and further failed to issue him with a proper Certificate of Service; all contrary to the provisions of Sections 1 and 51 of the [Employment Act](#) of 2007.
2. The Claimant therefore prayed for orders among others that:
- i. A declaration that the claimant's termination from employment was unlawful.



- ii. Reinstatement to employment with full benefits.
 - iii. In the alternative, damages for unlawful termination amounting to twelve (12) months' gross pay; totaling Kshs. 3,129,600 plus interest thereon at court rates.
3. The Respondent filed its Statement of Response dated 25th February 2021 and averred inter alia:
- A. The Respondent admits the contents of paragraph 5 of the Statement of Claim but is a stranger to the allegation that the Claimant had a very difficult working relationship with his unit manager as alleged in paragraph 6 of the Statement of Claim or at all. Such difficulties were never documented in the event that they ever existed. The Claimant is put to strict proof thereof.
 - B. The Respondent further denies the existence of any frustrations from Dr. Aysha Edwards as alleged in paragraph 7 of the Statement of Claim or at all. The Claimant is put to strict proof of all the allegations contained in paragraph 7 of the Statement of Claim.
 - C. The Respondent was entitled to dismiss the Claimant from employment. The allegation that the Claimant was taken through a sham hearing as alleged in paragraph 8 is denied and the Claimant is put to strict proof. The Respondent contends that the hearing was properly conducted culminating into a decision which was reached on merit.
 - D. In response to paragraphs 10 and 11 of the Statement of Claim, the Respondent contends that:-
 - i. While alleging that the said Ms Angela Priscilla Ngesa as seen by the Claimant needed proper psychiatric evaluation, professional action would have required that the patient be attended to by a psychiatrist.
 - ii. Issuing a three (3) days' sick off from work before the noted psychiatric evaluation was done is a misnomer.
 - iii. The number of sick off days to be issued to the patient could only have been determined by the doctor evaluating the patient for the recommended psychiatric evaluation.
 - iv. The Claimant is fully aware of the requirements to be met before issuing a patient with a sick off but he chose to ignore them.
 - E. Further to paragraph 10 above and while denying the allegation that the hospital floor was congested as alleged; the Respondent contends that a high number of patients cannot afford the Claimant a justification to discharge his duties recklessly in total disregard of the laid down procedures.
 - F. The Respondent has adequate staff at all times who work in shifts to ensure that patients are accorded proper attention while ensuring that hospital staff are not overwhelmed. The allegation that staff working at 5.42am would be tired and fatigued is without any merit whatsoever and the Claimant is put to strict proof.
 - G. In response to paragraph 17 and 18 of the Statement of Claim, the Respondent admits that the Claimant was issued with a Memo on 2nd May 2019 and required to respond to it. Neither did the Claimant request for additional time nor did he request for more information. To the contrary, he promptly responded to the issues raised through a letter dated 2nd May 2019 without any difficulty. The Respondent therefore denies that the Claimant was not afforded sufficient notice and is put to strict proof.
 - H. Paragraph 21 of the Statement of Claim is denied and the Plaintiff put to strict proof for the following reasons: -



- a. The only issue before the disciplinary committee for hearing was that communicated to the Claimant in the letter calling him to show cause. It is therefore not true that there were other letters and materials as alleged.
- b. The Claimant did not request for any information. He did not make any request prior to or during the disciplinary hearing. The allegation that he was denied information is therefore an afterthought.
- c. The Claimant was fully aware of the charges against him. The Respondent seeks to refer to paragraphs 9 and 17 of the Statement of Claim.
- d. The Claimant's conduct was a serious breach of the Respondent's regulations necessitating disciplinary action being taken against him.
- e. The letter dated 6th May 2019 inviting the Claimant for a disciplinary hearing is crystal clear that the Claimant was informed that he could be accompanied by another employee. It states as follows: Please note that you may have another employee present during the hearing should you wish. The allegation contained in paragraph 21,5 is therefore untrue.
- f. The presence of the Claimant's supervisor was necessary during the disciplinary hearing. The Claimant is put to strict proof of any allegation to the contrary.
- g. It is not true that the Claimant was denied an opportunity to address the claims made by his supervisor. The issue against the Claimant was communicated to him, he defended himself and a decision to dismiss him was rightfully arrived at.

I. Upon his dismissal, the Claimant has failed to submit the clearance form as required and as informed through the letter dated 16th May 2019. The allegations contained in paragraph 24 of the Statement of Claim are denied and the Claimant put to strict proof.

4. In upshot the respondent prayed for the claimant's suit to be dismissed with costs.

EVIDENCE

5. At the hearing the claimant stated that he recorded a witness statement on 29th July, 2020 which he relied on as his evidence in chief. He also relied on the documents dated the same day and filed with the claim. It was further his evidence that he saw a patient AN on the night of 13/14th April, 2019 and that he did not feed the treatment notes in the system because it was down and that all the patients they saw that night were not fed in the system due to system downtime. It was his evidence that downtime happens once in a while. If it happens, they were advised to use the manual system and hand over the notes for upload later when the system is up. The uploading would be done by either a nurse or front office.
6. It was the claimant's evidence that he has never met AN before and could not possibly collude with her to issue a sick-off note. He stated that they were allowed to issue a maximum of three days off and that one cannot backdate or issue a date in future. The date starts when the patient is seen. It was his evidence that he referred a patient for psychiatric treatment the following Monday and that the shift was very busy. According to the claimant, the fiancée of AN had been involved in an accident that night and he had to attend to her because she was in trauma after the accident. AN was not in the system because it was down but he issued treatment notes to be fed in the system later.
7. The claimant further testified that his immediate supervisor was Aisha Edwards and the relationship between them was tense but cordial. He stated that he was called to the Hospital on 2nd May, 2019



and issued with a Notice to Show Cause dated 2nd May, 2019 and given two hours to respond. He stated that he was asked by Aisha to sit in her office and draft a response to be typed by her secretary. It was his evidence that he was not given any documents to assist him respond. He drafted his response on a foolscap and thereafter received an email inviting him for a disciplinary hearing at the same time suspending him from work.

8. Regarding the hearing, it was his statement that he felt the same was not fair and that he asked if he could contact a union official or his lawyer but was refused. He stated that he was a member of a union and that he was only allowed to call a fellow employee for moral support. He merely sat next to him and said nothing. He further stated that he was not furnished with any documents during the hearing.
9. In cross-examination he stated that he had worked from 2015 and that he was by the time of dismissal stationed at Accident and Emergency Department. He stated that his role did not include giving psychiatric referral and that the high number of patients was not unusual. He never complained about his supervisor and that he signed for the Notice to Show Cause and responded to the same. He never expressed any reservation in his response and never indicated he was under duress. Further that he never indicated he needed more time and did not ask for documents or evidence. Regarding the issue of system downtime, he stated that he mentioned it in his response though not directly. It was further his evidence that he acknowledged the seriousness of the allegations.
10. Regarding the hearing process, he stated that the letter of invitation informed him that he could come with a fellow employee of choice but was denied a chance to call a union official. He confirmed that patients were to be documented in the system and that he had a previous warning not more than six months ago. Her supervisor was present at the hearing but was not part of the panel. He further stated that he had not been informed that sick-off sheets could not be signed manually and that sick-off sheets were only for admitted patients and that “admitted” meant patients who had been seen by the facility. He further stated that AN was not admitted.
11. In reexamination he stated that he refused to sign the disciplinary hearing minutes because they were not a true reflection of what happened. He further stated that he did not get a chance to meet his accusers. Concerning the show cause letter he stated that he was called to receive the same while on sick-off and that his supervisor asked him to respond within one hour. He further stated that he had a strained relationship with Aisha Edwards his supervisor and this led to issuance of a warning letter. It was his evidence that he discharged his duties professionally.
12. The respondent called as witness Joan Chege who stated that she worked for the respondent as Human Resource Officer and that she recorded her witness statement on 6th June, 2022 and which she relied on as her evidence in chief. It was her evidence that the respondent had about 2000 employees and that there were about 800-900 nurses on duty at any given time. She did not know all of them personally. It was her evidence that she had the claimant’s dismissal letter but did not have the respondent’s standard operating procedures (SOP). The SOP was blanket and was found in the Human Resource Manual. The Claimant was issued a memo by Aisha Edwards who was his boss. According to her, the claimant was given three hours to respond to the show cause letter and that was not the respondent’s procedure. She had no reason why the claimant was given a shorter time to respond. According to her, the sick-off sheet emanated from the respondent but it had discrepancies. It was an in-patient sick-off given to someone who had been admitted and discharged. AN came as an out-patient therefore the sick-off was a wrong one.
13. It was her evidence that there was investigation over the sick-off and that no relationship was established between AN and the claimant and that she was last seen in November, 2018. The disciplinary hearing was done 9th May, 2019 and that she did not have the minutes with her. They were not filed. It was her



testimony that she could not confirm if the claimant was accorded a conducive environment during the disciplinary hearing. She did not get to know Dr. Aisha and that she never saw any complaints by the claimant against her. Regarding system outage, it was her evidence that the respondent has a working ICT system and whenever there was downtime, each department had protocols on what to do. She stated that the claimant was dismissed for breaching the respondent's policies on sick-off. There were serious discrepancies in the sick off.

14. In re-examination she stated that the claimant never raised any issue over the SOP and that the claimant never gave any excuse of system downtime. Further the claimant never complained over the time given to respond to the show cause letter.

CLAIMANT'S SUBMISSIONS

15. The claimants counsel Mr. Simiyu submitted among others that the respondent did not have any valid reasons to dismiss the claimant summarily. According to the respondent, the claimant was dismissed for violating a standard operating procedure yet the same was never availed in evidence or demonstrated by the respondent. The claimant informed the court that he did not know AN therefore there was no motivation to issue her with any sick off just for the sake of it. Further, the respondent's witness Joan Chege stated that no investigations were carried out to establish if the claimant had any kind of relationship with AN and the circumstances under which the sick-off was issued. Whereas the witness stated that the sick-off sheet issued by the claimant was for in-patients, none was produced for non-admitted patients for comparison. According to counsel, the respondent did not therefore have a valid reason for terminating the claimant's employment.
16. It was Mr. Simiyu's submission that the respondent's witness contradicted their own documents. For instance at paragraph 7 of Ms. Chege's statement she stated that the respondent's system indicated November, 2018 as the last time AN was seen yet the credit sale vouchers showed she appeared in the system on 14th April, 2019 which date coincided with the sick-off period running between 14th and 16th April, 2016.
17. Mr. Simiyu submitted that the claimant was very consistent in his narrative that the challenged sick-off sheet was not improperly issued. The claimant however owned up not feeding the document in the system but gave credible reasons for not doing so.
18. Concerning whether the claimant was accorded fair hearing, counsel submitted that the claimant was issued with a show cause letter dated 2nd May, 2019 by his supervisor Dr. Aisha who required him to respond within two hours which he did but under heavy duress. The claimant was unwell and was not furnished with records or documents for reference purposes. The claimant was therefore not given adequate time to respond to the allegations against him. Mr. Simiyu further submitted that the evidence adduced by the respondent confirmed that it had already decided to terminate the claimant's employment and taking him through the disciplinary process was a mere formality. According to Counsel, the memo of 6th May, 2019 from Dr. Aisha already talked of the respondent recommending professional separation. The same words were repeated in the letter to the claimant dated 6th May, 2019 and internal memo dated the same day from Aisha to Ag. Head of Human Resource. Counsel further submitted that the claimant was suspended on 6th May, 2019 and invited for a disciplinary hearing on 9th May, 2019, a period of 3 days notice which could hardly give anyone adequate time to prepare for a disciplinary case of such magnitude.
19. Regarding the remedies sought, counsel submitted that the claimant was employed in August, 2015 and successfully went through probation and was confirmed a permanent employee. The respondent's practice was to retain Medical Officers for 3-6 months under centralized oversight prior to dispatch



to peripheral centers however the claimant who was deemed to capable was sent out within 3-4 weeks from the date of appointment. Thereafter the claimant was moved to Accident & Emergency Department as a Team Leader. It therefore came to the claimant as a shock when the respondent summarily dismissed him. At the tender age of 30 years the claimant's medical career was crushed without justification.

RESPONDENT'S SUBMISSION

20. The respondent's Counsel Mr. Njomo on the other hand submitted that the claimant having been deployed to a satellite clinic in just 3-4 weeks of employment and later to Accident and Emergency Department as a Team Leader showed the claimant was very familiar with the respondent's standard operating procedures and the trust that the respondent had placed on him while conducting his duties. The claimant during the disciplinary proceedings and in his pleadings acknowledged the severity of the charges against him but has now made all manner of blames towards his supervisor, an unnamed nurse, fatigue and technology. According to counsel, these issues were never raised in his response to the show cause letter and before the disciplinary hearing. Counsel further submitted that it was not the first time the claimant was being accused of flouting the respondent's procedures by issuing practice notes contrary to procedure.
21. Regarding procedure for termination, counsel submitted that the respondent issued the claimant with a letter dated 2nd May, 2019 asking him to show cause why a disciplinary action should not be taken against him on account of a sick-off note issued by him on 14th April, 2019 to a patient. The claimant responded to the show cause letter. In his response he stated that he formed an opinion that the patient needed psychiatric evaluation hence gave her 3 days of sick-off. He admitted that it was an oversight on his part in failing to document the notes. In this respect, counsel relied on the case of *Moreno v. Credit Bank Ltd* KEELRC 2371(KLR) in support of the submissions. Counsel submitted that from the response, the claimant showed he fully understood the charges against him. The claimant in his response never sought better particulars of the offence and did not ask for additional documents or more time to enable him respond.
22. Following his response, the claimant was invited for a disciplinary hearing through a letter dated 6th May, 2019 informing him of his right to come with an employee of his choice. He opted not to come with one. The claimant was after the hearing, summarily dismissed by a letter dated 16th May, 2019. The letter further informed him of his right of appeal within 14 days which he exercised by a letter dated 31st May, 2019. The appeal hearing proceeded on 6th June, 2019 and the claimant attended and made representations and after deliberations, the decision to dismiss him was upheld. Mr. Njomo therefore submitted that from the foregoing the respondent complied with the dictates of according a reasonable opportunity to the claimant to defend himself as provided under section 41 of the Act. Though blaming his supervisor, the claimant did not produce any record of complaints made against the said supervisor prior to the disciplinary hearing process.
23. Concerning validity of reasons for termination, Counsel submitted that the sick-off note showed that the patient in question had been admitted in hospital on 13th April, 2019 and was discharged. Based on the claimant's opinion, she was issued with a 3 day sick-off. The sick-off and services offered to the claimant had not been documented. The claimant tried to explain this departure from the standard operating procedure by stating that he had given the documents to a nurse for documentation and that there was a high number of patients. The claimant however failed to avail the name of the said nurse. Counsel further submitted that the claimant working in a reputable hospital as a professional doctor should have exercised caution while issuing medical notes that would affect the integrity and reputation of the respondent. In support counsel relied on the case of *Abraham Nyambane Asiago v. Barclays Bank of Kenya Ltd* [2015] eKLR. On the issue of lack of investigations, counsel stated that



no additional investigation was necessary as the claimant demonstrated enough comprehension of the charges against him and in this respect relied on the case of *Hillary v. Wells Cargo Courier* [2023] KEELRC 629 (KLR).

24. Mr. Njomo further submitted that the claimant in his appeal letter dated 31st May, 2019 acknowledged that he had a previous disciplinary incident and the incident was a final warning letter concerning improper documentation which he received on 21st November, 2018. Having received a previous warning on the same facts, the respondent was justified in summarily dismissing the claimant.
25. On the issue whether the claimant is entitled to the prayers sought, counsel submitted that three years have elapsed since the dismissal of the claimant therefore reinstatement was not possible. Concerning the 12 months' salary as compensation, counsel submitted that the claimant was dismissed as a result of his actions which jeopardized the respondent's operations. Further, the claimant had worked for less than 5 years.

DETERMINATION

26. I have reviewed and considered the pleadings and submissions by the Claimant's and Respondent's counsel in support of the case as well as authorities relied on and became of the view that the gist of the claim before me is over the validity or justification for the termination of the claimant's service; second whether in carrying out the termination, the respondent followed a fair procedure in accordance with the *Employment Act*. If the court were to reach a finding that the respondent had no valid or justifiable reason for terminating the claimant's service and that the termination was not carried out through a fair procedure, what would be the appropriate remedies to the claimant.
27. The facts leading to the dismissal of the claimant have been set by the parties herein in their evidence in chief and subsequent cross-examination. The claimant was accused of irregularly issuing a sick-off to patient AN and further failing to document the same. According to the claimant, the omission to document patient AN was occasioned by pressure of work on the material day and the fact that the respondent's computer system was down. The claimant however alleged she passed AN's documents to a nurse to document on his behalf once the system was back up.
28. The respondent on the other hand denied that the hospital's department where the claimant worked was overwhelmed by patients. The respondent contended there were enough nurses. The respondent further took issue with the fact that the claimant did not provide the name of the nurse she left the documentation with and that it was not the first time the claimant had omitted to document patient's details in the system. He had a previous warning over inappropriate documentation where he wrote a medical report concerning a patient he had not seen. He was informed that the warning would be a last one.
29. According to the respondent and which was not denied by the claimant, failure to adhere to the Hospital's (respondent) policies and procedures have the potential of exposing the respondent to financial loss and credibility. The claimant's act of not ensuring patient AN was documented in the system meant that she was not assigned a patient number and that the consultation and prescription given by the claimant was never billed to the patient. The respondent is a private hospital and therefore generates its revenue from patients that resort to it for treatment. The Court therefore appreciates the seriousness with which it considers any incident that has the potential of making it lose revenue. The claimant had been involved in an earlier incident where he prepared a medical report using the respondent's headed paper when he himself had not attended to that patient and further that the headed paper was from a satellite facility where the claimant was and not the main hospital where the patient died. The respondent considered the claimant's conduct not only contrary to code of



professional conduct issued by Kenya Medical Practitioners and Dentists Board but also unethical and fraudulent.

30. This Court in its several previous decisions stated that the reason for termination of employment is within the discretion of an employer and it will not substitute itself with the employer and embark on a rigorous merit review of the reason termination. Provided the reason is plausible, the Court would be reluctant to interfere unless it is clearly demonstrated that the reason was tainted with other considerations which amount to unfair labour practice such as malice, discrimination or gross violation of procedural fairness. Lord Denning in the now oft cited case of *British Leyland UK Ltd v. Swift [1981]IRLR 91* observed thus:
- “The correct test is: Was it reasonable for the employers to dismiss him? If no reasonable employer would have dismissed him, then the dismissal was unfair, but if a reasonable employer might reasonably have dismissed him, the dismissal was fair. It must be remembered that in all these cases there is a band of reasonableness, within which an employer might reasonably take one view: another quite reasonably take a different view. One would quite reasonably dismiss the man. The other quite reasonably keep him on. Both views may be quite reasonable. If it was quite reasonable to dismiss him, then the dismissal must be upheld as fair even though some other employers may not have dismissed him”
31. The claimant did not deny the fact that failure to document in the respondent’s system that he attended to patient AN was a serious omission. He further did not deny that he had previously been issued with a warning letter over flouting the respondent’s procedures and informed that it was the last warning. These infractions in the Court’s view, constituted valid and justifiable reasons to take disciplinary action against the claimant. The respondent deemed summary dismissal as the most proportionate in the circumstances. No or sufficient evidence has been laid out questioning the appropriateness of the respondent’s decision in the circumstances. The Court will therefore not interfere with the decision to dismiss.
32. Regarding the procedure followed in terminating the claimant’s service, it is noted that the claimant was issued with a show cause letter on 2nd May, 2019 and required to respond to the same by 2.00 pm of the same day. He gave his response as requested and on 6th May, 2019, the claimant was suspended and invited for a disciplinary hearing on 9th May, 2019 by the same letter suspending him. The letter reminded him of his right to attend the hearing with colleague of his choice. The claimant attended unaccompanied, the disciplinary hearing as scheduled and defended himself. On 16th May, 2019, the claimant was issued with a letter of summary dismissal. The letter reminded him of his right of appeal which he exercised by writing the letter of appeal dated 31st May, 2019. The appeal was considered by the respondent who through its letter dated 26th June, 2019 rejected the same and upheld the decision to dismiss the claimant.
33. Although the claimant has raised issues regarding time to respond to the allegations against him and being furnished with documents, there is nothing on record to show that the claimant asked for more time or documents. It is therefore difficult for the court to appreciate whether the time given was sufficient or not. The Court further notes that the claimant was facing a single issue of being accused of issuing patient AN with a sick-off sheet and failing to document in the respondent’s system. From the record, it is a matter which he seemed to have been very familiar with and in respect of which he admitted his fault. It is therefore not clear what purpose additional time or documents if any, would have served in a matter he was well familiar with and in respect of which he had admitted his mistake. In this regard, the court is persuaded that the claimant’s service was terminated in accordance with a fair procedure.



34. In conclusion the Court finds and holds that the claim is without merit and is hereby dismissed with costs.

35. It is so ordered.

Dated at Nairobi this 27th day of June 2025

Delivered virtually this 27th day of June 2025

Abuodha Nelson Jorum

Presiding Judge-Appeals Division

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