



**Jemnyango v County Government of Kajiado (Cause 723 of 2018)
[2024] KEELRC 1394 (KLR) (11 June 2024) (Judgment)**

Neutral citation: [2024] KEELRC 1394 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 723 OF 2018
NZIOKI WA MAKAU, J
JUNE 11, 2024**

BETWEEN

MOSES KAMALIK JEMNYANGO CLAIMANT

AND

COUNTY GOVERNMENT OF KAJIADO RESPONDENT

JUDGMENT

1. The Claimant filed a suit against the Respondent averring that that he was employed as a ward administrator earning Kshs. 80,190/-. The Claimant averred that he had received a letter of 15th October 2014 appointing him to the position. He averred that he performed his duties diligently until he was notified by the Respondent through a public notice that he was not a ward administrator in Kitengela on 11th January 2016. He averred that prior to the termination he never was accorded an opportunity to show cause nor was he offered reasons as to why his services were terminated unlawfully and unfairly. He thus sought the following orders:-
 - a. Compensation up to the maximum 12 months for unfair dismissal
 - b. Kshs. 48,000/- per annum being the contribution to national provident fund deducted but not remitted.
 - c. Leave allowances for 3 years
 - d. 3 years salary plus allowances – Kshs. 240,570/-
 - e. One month in lieu of notice
 - f. Salary for the unexpired period of service i.e. between 10th January 2018 and 10th January 2049 when he attains retirement age.
 - g. Costs of the suit.



- h. Interest on the sums in a), b), c), d) and e) above.
2. The Respondent did not enter any appearance and the suit proceeded as an undefended cause. The Claimant testified on 23rd May 2024 during the formal proof. The Claimant stated that he relied on his statement and the bundle of documents produced in his claim. He urged the Court to grant him his prayers.
3. The Claimant opted not to file final submissions and instead sought that a judgment issue on the basis of the testimony adduced. The Claimant produced his letter of appointment as a ward administrator being the letter of 29th September 2014 – Ref. CGK/CPSB/PF/121/Vol.I/2 signed by Mr. Moses Semera, Secretary County Public Service Board. As such, the Claimant had a valid letter of appointment. There was evidence of the dismissal which was carried in a local paper. There is no evidence that this was after due process. The provision of sections 41, 43, 45 and 47 of the [Employment Act](#) are that there was breach of the rights of the Claimant as no hearing was conducted prior to termination and the Respondent has not shown that there was cause for the dismissal. As such, I find and hold that the dismissal was unfair and unlawful.
4. The Claimant had served the Respondent for roughly 4 years by the time of termination. The Claimant has sought payment of items he cannot be entitled to such as salaries till retirement, statutory deductions etc. The Claimant did not avail any evidence of leave due, non-payment of salaries, contribution to national provident fund deducted but not remitted or any unpaid salary. In the final premise he will be entitled to recover only the following:-
- a. One month's salary as notice – Kshs. 80,190/-.
 - b. 4 month's salary as compensation – Kshs. 320,760/-.
 - c. Costs of the suit.
 - d. Interest at court rates on the sums in a) and b) above from the date of judgment till payment in full.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 11TH DAY OF JUNE 2024.

NZIOKI WA MAKAU

JUDGE

