



**Nagi v Rhombus Construction Company Limited (Cause E347 of 2024)
[2024] KEELRC 13424 (KLR) (16 December 2024) (Judgment)**

Neutral citation: [2024] KEELRC 13424 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E347 OF 2024
BOM MANANI, J
DECEMBER 16, 2024**

BETWEEN

GACHUNGA FRANCIS NAGI CLAIMANT

AND

RHOMBUS CONSTRUCTION COMPANY LIMITED RESPONDENT

JUDGMENT

1. By a contract signed between the parties on diverse dates between 20th December 2023 and 8th January 2024, the Respondent hired the Claimant's services as its General Manager. According to the contract, the Claimant's salary was agreed at Ksh. 250,000.00 per month.
2. The evidence on record shows that the Claimant tendered his resignation from employment on 26th March 2024. The resignation was expressed to take effect on 27th March 2024.
3. Upon his resignation, the Claimant demanded that the Respondent settles his outstanding salary. He contends that although he rendered service from 8th January 2024, the Respondent did not remunerate him for the duration that he worked.
4. The Claimant has now filed this cause to recover salary arrears of Ksh. 596,773.80. This amount excludes the amount that is due from him to the Respondent on account of pay in lieu of notice to terminate his contract.
5. After suit was filed, summons to enter appearance were issued to the Respondent. However, it did not enter appearance or file a defense. As a result, the matter was certified for trial by way of formal proof.

Analysis and Determination

6. The Claimant gave evidence on 30th October 2024. He adopted his witness statement and produced the documents accompanying the Statement of Claim as exhibits.



7. From the oral and documentary evidence on record, it is apparent that the parties had an employment relationship which came into existence on 8th January 2024. It is also apparent that the two agreed that the Claimant's monthly salary will be Ksh. 250,000.00. There is further evidence that the aforesaid employment relation was terminated on 27th March 2024 when the Claimant resigned.
8. The Claimant contends that throughout the employment relationship, the Respondent did not pay him salary. He contends that the outstanding salary less deductions on account of pay in lieu of notice totals Ksh. 596,773.80.
9. The Respondent did not file a defense to controvert the Claimant's assertion. Neither did it attend court to dispute the claim.
10. As such, the court finds that the claim stands undisputed. Accordingly, I enter judgment for the Claimant for the aforesaid sum of Ksh. 596,773.80.
11. The above amount attracts interest at court rates from the date of this decision and is subject to the applicable statutory deductions.
12. I award the Claimant costs of the case.
13. Summary of the Award
 - a. I enter judgment for the Claimant for the sum of Ksh. 596,773.80 being salary arrears.
 - b. The above award attracts interest at court rates from the date of this decision and is subject to the applicable statutory deductions.
 - c. I award the Claimant costs of the case.

DATED, SIGNED AND DELIVERED ON THE 16TH DAY OF DECEMBER, 2024

B. O. M. MANANI

JUDGE

In the presence of:

..... for the Claimant

.....for the Respondent

