



**Mwikali v The Raphaelites (Cause 1150 of 2017)  
[2023] KEELRC 1948 (KLR) (28 July 2023) (Judgment)**

Neutral citation: [2023] KEELRC 1948 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE 1150 OF 2017  
NJ ABUODHA, J  
JULY 28, 2023**

**BETWEEN**

**JUNE MWIKALI ..... CLAIMANT**

**AND**

**THE RAPHAELITES ..... RESPONDENT**

**JUDGMENT**

1. The claimant pleaded that she was on or about August, 2014 employed by the respondent as a Counselor at a monthly salary of Kshs.30,000/= . The appointment was verbal.
2. The claimant alleged that she worked for the respondent diligently until August 9, 2015 when the respondent wrongfully and unlawfully terminated his service and failed to pay her terminal dues.
3. The claimant therefore claimed from the respondent the sum of Kshs.421,400/= as compensation for unlawful termination.
4. The respondent though served did not enter appearance and file a defence. The matter therefore proceeded as an undefended cause.
5. At the oral hearing the claimant stated that she was employed as counselling psychologist. She filed a witness statement on June 21, 2017 which she adopted as her evidence in chief. According to her, she was terminated via SMS. She was told her services were no longer needed and should not report to work. Her monthly salary was Kshs.30,000/= . This amount was not paid consistently. Sometimes she could be paid Kshs.24,000/= or 28,000/= depending on the whims of the Director. The claimant further stated that she worked for the respondent for one year.
6. The matter proceeded as an undefended cause. The respondent neither responded to the demand letter nor the statement of claim. The court therefore received no rebuttal of the claimant’s allegations. The court will therefore enter judgment in favour of the claimant as follows;-



- a) Salary in lieu of notice Kshs.30,000
- b) Payment in lieu of leave Kshs.21,000
- c) Salary for 8 days worked in August Kshs.8,000
- d) Four months salary as compensation for unfair termination Kshs.120,000  
Kshs.179,000

7. The claimant shall further have costs of the suit. The amount will attract interest at court rates but subject to statutory deductions.

It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON THIS DAY OF 28<sup>TH</sup> DAY OF JULY, 2023.**

**ABUODHA J. N.**

**JUDGE**

**In the presence of:-**

.....**for the Claimant**

.....**for the Respondent**

