

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU

CAUSE NO. 380 OF 2017

TOBIAS ANDHALA.....CLAIMANT

v

E-SMART TECHNICAL COLLEGE.....RESPONDENT

JUDGMENT

1. Tobias Andhala (the Claimant) was employed as a part-time lecturer by E-Smart Technical College (the Respondent) on 28 June 2015.
2. The Respondent did not fulfil its part of the contract, and on 27 May 2016, the Claimant made a formal demand for payment.
3. The payments were not made, and the Claimant reported a dispute to the Labour Office. The attempts to resolve the dispute did not succeed.
4. On 5 September 2017, the Claimant sued the Respondent for breach of contract. The Claimant sought for Kshs 416,000/-.
5. The Respondent was served through its Secretary on 26 October 2017, but it did not file a Response. The Court, therefore, directed that the Cause proceeds to formal proof.
6. The Claimant testified on 4 March 2021.
7. The testimony was not challenged or rebutted, and the Court will enter judgment for the Claimant in the sum of Kshs 416,000/-.
8. The decretal amount to accrue interest from 5 September 2017.
9. The Claimant to have costs.

DELIVERED THROUGH MICROSOFT TEAMS, DATED AND SIGNED IN KISUMU ON THIS 12TH DAY OF MAY 2021.

Radido Stephen, MCI Arb

Judge

Appearances

For Claimant Kuke & Co. Advocates

Court Assistant Chrispo Aura