



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA

AT UASIN GISHU

COURT NAME: ELDORET LAW COURT

CASE NUMBER: ELRC.C/205/2017

CITATION: JOSEPH K. KOECH AND JAMES MAIYO

VS

JALARAM LTD

JUDGMENT

ON 2021-07-02 BEFORE HON. JUSTICE J. N. ABUODHA

1. By a memorandum of claim filed on 24th July, 2017 both Claimants pleaded that they were employed by the respondent as general workers on February, 2015 and 7th May, 2016 respectively. They averred that they served the respondent until 15th August, 2016 when the respondent verbally and unlawfully terminated their service and refused to pay their terminal dues. At the time of termination, the Claimants were both earning Kshs. 10,107/= per month.
2. The Claimants alleged that their termination violated sections 41,43 and 45 of the Employment Act and further failed to Act in accordance with justice/equity and that the respondent failed to prove that the reasons for the termination were valid.
3. The Claimants sought a declaration from the Court that the termination was unlawful, unprocedural and unfair. They further sought certificate of service and costs of the suit.
4. The respondent though served, never filed any appearance or response to the claim nor attended the hearing to cross-examine the Claimants. The matter therefore proceeds ex parte.
5. At the hearing the Claimants adopted their witness statements filed with the claim and also the supporting documents.
6. The Claimants further stated that their employment was verbal and that they were never issued with any notices of termination.
7. During the period they worked they used to report to work at 7.00 a.m and leave at 6.00 pm and further that they work seven days a week including public holidays. Their work entailed loading cement and Iron Sheets.
8. It was further their evidence that they were never taken through any disciplinary hearing before termination.
9. As observed earlier, the respondent never filed any response to the claim and further that they never attended court to cross-examine the Claimants. The Claimants' claims therefore remained uncontroverted and will be granted as prayed.

That is to say judgement will be entered in favour of Joseph Kiprop Koech against the respondent in the sum of Kshs. 398,401/50 and Kshs. 32,975/78 in favour of James Maiyo against the respondent.

10. The Claimants shall further be issued with certificate of service by the respondent. Award shall be subject to taxes where applicable.
11. Costs of the suit to the Claimant.
12. It is so ordered.

DATED AT ELDORET THIS 1ST DAY OF OCTOBER, 2021

DELIVERED AT ELDORET THIS 1ST DAY OF OCTOBER, 2021

GIVEN under my hand and Seal of this Court on 2021-10-03 12:18:56

SIGNED BY: HON. JUSTICE J. N. ABUODHA (ADMINISTER JUSTICE)

THE JUDICIARY OF KENYA.

ELDORET ELRC

EMPLOYMENT AND LABOUR RELATIONS COURT

DATE: 2021-10-03 12:18:56