



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAKURU**

**ELRC CAUSE 284 OF 2018**

**FRED CEPHAS OBANDE BULUMA.....CLAIMANT**

**VERSUS**

**KENYA METHODIST UNIVERSITY.....RESPONDENT**

**JUDGMENT**

1. The Claimants herein filed a Memorandum of Claim dated 20<sup>th</sup> December, 2020 on even date through the firm of Raydon Mwangi and Associates Advocates claiming unpaid salaries.
2. The claimant avers that he was employed by the Respondent as masters' dissertation supervisor and part time lecturer sometimes between 2009 and 2016.
3. He states that he supervised Eleven (11) masters students and was to be paid an aggregate of Kshs.160,000, in addition to other five Courses he taught being BUS 423-Degree management research methods; MBAD 505-Financial Accounting; MBAD 507- Managerial Accounting; MBAD 508 –Human Resource management and MBAD 511, Financial management each consuming 45 hours per semester. Save for BUS 423-Degree management research methods which was paid Kshs.2000 an hour the other courses were paid at an hourly rate of Kshs.3000 add adding up to Kshs.790,000 which remain unpaid to date.
4. The claimant avers that he requested for the payment of the said monies through its letter of 7<sup>th</sup> September, 2018 which did not elicit any response prompting him to instruct his advocate to send a remainder vide the letter date 23<sup>rd</sup> October, 2018 which was equally ignored.
5. The clamant avers that he was discriminated upon by the Respondent as other lecturers were paid their dues, while his requests were shelved and never acted upon. He thus contends that his right under Article 41(1) of the Constitution was violated by the Respondent and prayed that the Respondent be penalized as provided for under section 25(1) of the Employment Act.
6. The Claimant therefore prayed for the following reliefs;-
  - a) Unpaid salaries
  - b) Interest at Court rates
  - c) Costs of the suit to be met by the Respondent
  - d) Any other relief that the Honourable Court may deem fir to award.
7. The Respondent Enter appearance on the 6<sup>th</sup> November, 2019 through the firm of Lusweti & Nabutola and Company Advocates. They however did not file any Response to claim therefore this suit proceeded undefended.
8. The claim herein proceeded for formal proof hearing on the 11<sup>th</sup> November, 2021 where the Claimant, **Fred Cephan Obande Buluma (CW-1)** adopted his statement dated 20<sup>th</sup> December, 2018 together with the documents filed on even date and prayed for the claim to be allowed as prayed.

9. The Claimant opted not to file any submissions in this claim.

10. I have examined the evidence submitted before me. The claimant has established that he was engaged by the respondents herein.

11. He has also exhibited documents showing that he taught some subjects and also supervised Masters thesis. There is no indication that he was paid by the respondents as expected after delivering his work.

12. I find that he has proved his case as expected and I enter Judgment for him as against the respondent for kshs.790,000/= plus cost and interest at court rates with effect from the date of this Judgment.

**DATED AND DELIVERED IN OPEN COURT THIS 16TH DAY OF DECEMBER, 2021.**

**HON. LADY JUSTICE HELLEN WASILWA**

**JUDGE**

**IN THE PRESENCE OF:**

**TOWETT HOLDING BRIEF FOR MWANGI FOR CLAIMANT – PRESENT**

**NO APPEARANCE FOR RESPONDENTS**

**COURT ASSISTANT - WANYOIKE**