



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO E413 OF 2021

CATHERINE LUANA.....CLAIMANT

VERSUS

PETER GIKONYO T/A AFRILAND AGENCIES.....RESPONDENT

RULING

1. What is before the Court is the Notice of Motion dated 17th May 2021, by which the Claimant seeks the following reliefs:

- a) An order restraining the Respondent, his agents, servants, assigns or anyone acting through him from harassing, in any manner whatsoever, victimizing and/or intimidating the Claimant;
- b) An order directing the Respondent to pay the Claimant her unpaid dues totalling Kshs. 400,000;
- c) An order directing the Respondent to pay the Claimant her full monthly remuneration of Kshs. 30,000 and all other allowances to which she is entitled;
- d) An order restraining the Respondent from terminating the employment of the Claimant on account of the issues raised herein.

2. The Motion is supported by the Claimant's own affidavit and is based on the following grounds:

- a) That the Respondent herein, being the Claimant's employer, is subjecting the Claimant to unfair labour practices including, unlawfully withholding the Claimant's monthly remuneration and unexplained downward review of salary without notice or any form of communication and denial of leave;
- b) That the Respondent is engaging in the said practices in a discriminatory manner as the Claimant is the only employee that is being subjected to the said practices;
- c) That additionally, the Respondent is subjecting the Claimant to sexual harassment at the work place;
- d) That any attempt by the Claimant to raise the said issues with the Respondent has resulted to victimisation and intimidation by the Respondent and his agent;
- e) That by reason of the matters aforesaid, the Claimant has been put to considerable hardship, trouble and inconvenience;
- f) That unless the Court intervenes and grants the orders sought, the Claimant will continue to be subjected to the said unfair labour practices and will continue to be highly prejudiced;
- g) That it is in the interest of justice that the orders sought are issued.

3. The Respondent did not respond to the application.

4. In her application, the Claimant makes general accusations against the Respondent. She however does not provide any evidence to support her prayers, which are substantive in nature.

5. In the circumstances, the Court finds no basis upon which any of the prayers could be granted.

6. The Claimant's Motion therefore fails and is disallowed.

7. I make no order for costs.

DELIVERED VIRTUALLY AT NAIROBI THIS 9TH DAY OF DECEMBER 2021

LINNET NDOLO

JUDGE

Appearance:

Mr. Nyarangi h/b Mr. Okatch for the Claimant

No

appearance

for

the

Respondent