



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAIROBI**

**CAUSE NO. 435 OF 2019**

**OMWOYO EUCABETH NYABETA .....CLAIMANT**

**VERSUS**

**KIMA HEALTH SOLUTIONS LIMITED (ABERCROMBIE & KENT**

**GLOBAL HEALTH (K) LIMITED.....RESPONDENT**

**JUDGMENT**

1. The Claimant brought this suit on 2.7.2019 claiming Kshs. 710000 as unpaid salary. The respondent entered appearance but filed no defence. As a result the suit proceeded as undefended.
2. The Claimant's case is that she was employed by the respondent as a Care Consultant Director vide the letter of appointment dated 23.8.2018. Her salary was Kshs. 78000 but later it was increased to Kshs. 130,000 gross per month.
3. From November 2018 to April 2019 she was not paid her full salary and as such the salary arrears rose to Kshs. 710,000 forcing her to serve a resignation notice. The unpaid salary included Kshs. 100000 for November 2018, Kshs. 110,000 for December 2018 and January 2019 Kshs. 130000 from February, March and April 2019.
4. The Claimant demanded payment of the Kshs. 710000 vide the letter dated 6.5.2019 but it was ignored. She then filed this suit and again the respondent failed to file any defence.
5. There is no dispute that the claimant was employed by the respondent between 23.8.2018 and 20.4.2019 when she resigned. The issue for determination is whether she is entitled to the claim for Kshs. 710000.
6. The Claimant produced payslips that shows that her salary had increased from the starting Kshs. 78,000 to Kshs. 130000 per month. There is no denial by the respondent that the claimant is entitled to the said claim for salary arrears of Kshs. 710000. However, the claimant's last day of work was 20.4.2019 meaning that her salary for that month was for only 20 days equalling to Kshs. 100,000. It follows therefore, her correct salary arrears stood at Kshs. 680,000 when she exited.
7. In conclusion I enter judgment for the claimant for the sum of Kshs. 680,000 plus costs and interest at court rate from the date of filing suit.

**Dated, signed and delivered in open court at Nairobi this 21st day of February, 2020.**

**ONESMUS N. MAKAU**

**JUDGE**