



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA**

**AT NAKURU**

**CAUSE NO.227 OF 2016**

**DANILE MUGEKENYI.....CLAIMANT**

**VERSUS**

**BENSON MUTHURA.....RESPONDENT**

**JUDGEMENT**

The claimant filed the Memorandum of Claim on 13<sup>th</sup> June, 2016 and served the respondent with summons and notices to attend but failed to enter appearance or file a defence. There are returns to confirm service. The claimant was heard of his claims in the absence of the respondent.

The claim is that the respondent employed the claimant as a driver at a wage of ksh.15,000 per month from 3<sup>rd</sup> October, 2014 and for a period of one (1) years he would transport workers from Naivasha town to Pagot company which had contracted the respondent for transport services.

The claimant was laid off after the company was dissolved hence the respondent's contract was terminated. At the time the claimant had not been paid for 3 months all at ksh.45,000.

The claim is for the payment of the due wage of ksh.45,000 and costs of the suit.

The claimant testified in support of his case.

The failure by the respondent to attend court and give a defence herein has denied the court crucial material and details which only the respondent should have heard. This includes the work records with regard to the claimant as to the nature of the employment and the terms thereof.

The claims being not challenged, where the claimant worked for 3 months without pay, this is due and owing. The claimant is entitled for pay for work done all at ksh.45,000.

In view of the respondent failing to attend court or pay the claimant upon demand for his owing wages, costs are due as claimed.

**Accordingly, judgement is hereby entered for the claimant against the respondent for payment of owing wages at ksh.45,000; interests on the same from the date of filing suit until paid in full at court rates; and costs of the suit.**

**Delivered at Nakuru this 20<sup>th</sup> day of February, 2020.**

**M.MBARU**

**JUDGE**

In the presence of:

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