



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF
KENYA AT NAIROBI
CAUSE NO 450 OF 2015

ALEXINA KUBOT.....CLAIMANT

VERSUS

ROSALMA WAMBUI WANGI.....RESPONDENT

J U D G E M E N T

1. The Claimant averred that she was employed by the respondent in August, 2012 as a cook in the respondent's restaurants. She worked for 1 year and 3 months when on 17th October, 2013 she received a letter from the respondent terminating her service with immediate effect on the ground that the Claimant could not be developed into a resourceful employee for the organization. Her salary per month at the time of termination was Kshs. 10,000/=. Upon termination, the respondent never paid the Claimant her terminal dues.

2. On 6th January, 2014 the respondent agreed with the Claimant union to settle the matter at Kshs. 35,926 on without prejudice basis but on condition it was paid forthwith. The respondent has refused and or ignored to pay the amount.

3. The respondent though served never entered appearance nor filed any response to the claim. The same therefore proceeded on undefended cause.

4. In her oral evidence the Claimant stated that she was terminated 17th October, 2013 after working for one year and three months. He used to work from 11.00 am to 10.00 p.m.

5. Upon termination the matter was negotiated by her union and the respondent agreed to settle the same at Kshs 35,926.

6. The matter being undefended the Court will go by the Claimants testimony and award him as follows: -

Kshs.

(a) One-month salary in lieu of notice	10,000
(b) Service pay for one year	5,000
(c) Salary arrears for 18 days in October	6,000
(d) Four months' salary as compensation for Unfair termination	<u>40,000</u>

61,000

(e) Costs of the suit.

(f) Items (a) and (b) (c and (d) are subject to taxes.

Dated at Nairobi this 13th day of March, 2020

Abuodha Jorum Nelson

Judge

Delivered this 13th day of March, 2020

Byram Ongaya

Judge

In the presence of:-

.....for the Claimant and

.....for the Respondent.