



REPUBLIC OF KENYA  
THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT MOMBASA

CAUSE NUMBER 804 OF 2017

BETWEEN

DAVID KIMANZI.....CLAIMANT

VERSUS

SECURITY ALERT SERVICES LIMITED.....RESPONDENT

*Rika J*

*Court Assistant: Andrew Mwabanga*

*M.K.Mulei & Company Advocates for the Claimant*

*George Egunza & Associates, Advocates for the Respondent*

**JUDGMENT**

1. This Claim is un-opposed.
2. It was filed on 11<sup>th</sup> October 2017.
3. The Claimant worked for the Respondent as a Security Guard between 1<sup>st</sup> November 2013 and 8<sup>th</sup> April 2015. He resigned for personal reasons.
4. His Claim is solely on payment of terminal benefits, which he pleads to comprise: salary for 7 days worked in May 2015 at Kshs. 1,610; refund of uniform deposit at Kshs. 3,400; public holiday pay, over a period of 12 days at Kshs. 2,760; 36 off days at Kshs. 8,280; pro-rata leave, at Kshs. 2,000; and service pay at 15 days' salary for each complete year of service at Kshs. 3,450 – total Kshs. 21,500. He prays also for Certificate of Service, costs, interest and any other relief.
5. The Claimant testified and rested his case, on 12<sup>th</sup> November 2019. The Respondent did not file a Statement of Response, when required to do so. The Court ordered proceedings closed, on 12<sup>th</sup> November 2019. The Claimant adopted his Statements of Claim and Witness, in his evidence before the Court. He restated that he resigned, and his Claim is for unpaid terminal dues.

**The Court Finds:** -

6. The Claim as stated from the outset, is uncontested. The Respondent did not file a Response when called upon to do so. The Respondent did not attend Court for the hearing. The Claimant's evidence went unchallenged. The Court is satisfied that the Claimant was employed by the Respondent as a Security Guard. He resigned for personal reasons, effective 7<sup>th</sup> May 2015. He was not paid terminal dues upon resignation.
7. The items claimed are not contested. The tabulation appears to the Court founded on the law and fact. The Claimant has not taken advantage of the Respondent's non-participation in the proceedings to inflate terminal benefits.

IT IS ORDERED: -

*a. The Claim is allowed as prayed, at a total sum of Kshs. 21,500.*

*b. Costs to the Claimant.*

*c. Interest allowed at 16% per annum from the date of Judgment till payment is made in full.*

**Dated and delivered at Mombasa this 10<sup>th</sup> day of November, 2020.**

**James Rika**

**Judge**