



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO.2098 OF 2014

Before Hon. Lady Justice Hellen S. Wasilwa on 7th February 2019

PRITAM SINGH KHALSA.....CLAIMANT

VERSUS

INTEX CONSTRUCTION LIMITED.....RESPONDENT

JUDGEMENT

1. The Claimant herein filed his claim on 26/11/2014 through the firm of Mwangi Wahome & Company Advocates seeking payments of his dues following a termination of employment by the Respondent due to redundancy.
2. The Claimant case is that he served the Respondents from 1996 dutifully as Workshop and Plant Manager.
3. In 2014, he was terminated on redundancy grounds. He indicated that he was given notice of 3 months but was never paid his redundancy dues. That is what he seeks today and these dues he indicated included severance pay for 18 years, leave pay for 23 days, notice, unpaid house allowance since 2000 and damages.
4. The Respondents offered no evidence in this case and therefore the Claimant's case remained uncontroverted. There is no evidence from the Respondents that they paid the Claimant his service pay nor leave and house allowance as prayed as per the contract.
5. In the circumstances, I find for Claimant and enter judgement for him as follows:-

1. Severance pay of 17 years being 15 days salary for each year worked = $186,909 \times \frac{1}{2} \times 18 = 1,709,181$

2. I also award him 23 days leave as sought = $23/30 \times 186,909 = 145,596.9$

3. On house allowance I award him for only 3 years as the rest of the claim is time barred = 15% of $186,909 \times 36$ months = 1,025,508.6

Total = 2,881,286.5

4. The Respondent will also issue the Claimant with a Certificate of Service and also pay costs and interest of this case at Court rates with effect from the date of filing this claim.

Dated and delivered in open Court this 7th day of February, 2019.

HON. LADY JUSTICE HELLEN WASILWA

JUDGE

In the presence of:

Ranja for Claimant – Present

