

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS COURT OF KENYA AT NYERI

CASE NO. 451 OF 2017

PATRICK KAMUNYA WAMBUI.....CLAIMANT

VERSUS

WANANCHI SACCO SOCIETY LIMITED.....RESPONDENT

JUDGMENT

1. The Claimant asserts that he is owed money for the uncompleted period of his service till the age of 60 years and for the manner of dismissal. In the part judgment delivered on 27th February 2019 I found that both parties were entitled to relief on the claim and counterclaim. Parties were unable to agree on some portion of the sums owed and in the final submissions, the Claimant asserts that he admits owing the sum of Kshs. 227,126.70. He was dismissed without a hearing by the board of the Respondent. For that he would be entitled to 5 months salary as compensation for the unlawful termination. He was not entitled to the recovery of salaries until retirement at the age of 60 years. He thus would be entitled to recover Kshs. 341,241.25 which sum would have to be set off against the Respondent's entitlement which is 227,126.70 after the deduction of the sums owed from the sums held by the Respondent to the credit of the Claimant. He thus is entitled to Kshs. 114,114.55. As the determination is in favour of each side, each party will bear their own costs.

It is so ordered.

Dated and delivered at Nyeri this 8th day of April 2019

Nzioki wa Makau

JUDGE

I certify that this is a true copy of the Original

Deputy Registrar