



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NUMBER 673 OF 2015

BETWEEN

JENNIFER NZULA MW.....CLAIMANT

VERSUS

VERT LIMITED.....RESPONDENT

Rika J

Court Assistant: Lawrence Osotsi

Njogu & Associates, Advocates for the Claimant

No appearance for the Respondent

JUDGMENT

1. The Claimant filed her Statement of Claim on 23rd April 2015. She states she was employed by the Respondent Company as a Packer, between 2011 and 2014. She earned a monthly salary of Kshs. 10,575. She was locked out on 4th August 2014, and informed she had been summarily dismissed by the Respondent, on the allegation of absenteeism. She prays for Judgment against the Respondent on the following terms:-

- a) Salary for the month of May 2014 at Kshs. 10,575.
- b) Compensation for unfair termination at Kshs. 126,900.
- c) Notice pay at Kshs. 10,575.
- d) Overtime at Kshs. 221,760.
- e) Leave pay at Kshs. 31,725
- Total...Kshs. 401,535
- f) Costs.
- g) Interest.
- h) Any other suitable relief.

2. The Respondent has not responded to the Claim. The Court ordered on 29th June 2017, that the Claim proceeds to formal proof. Formal proof took place during the Court's Service Week at Nairobi, on 1st April 2019.

3. The Claimant adopts her Pleadings, Documents and Witness Statement on record. She lastly filed Submissions on 23rd April 2019.

The Court Finds:-

4. The Claim is undefended.

5. The Claimant has shown that she was employed by the Respondent as a Packer, between the years 2011-2014. She earned a monthly salary of Kshs. 10,575. Her contract was terminated by the Respondent without notice and just cause. She has discharged her evidential burden under Section 47 of the Employment Act, while the Respondent has completely failed to justify termination, under Section 43, 45 and 47 of the Act.

6. Her prayers, except overtime, have adequately been established.

7. The Claimant shall have the prayers on salary for the month of May 2014; compensation for unfair termination; notice; and annual leave, all totaled at Kshs. 169,200. She is granted costs, and interest at the rate of 14% per annum from the date of Judgment till payment is made in full.

Dated and signed at Mombasa this 3rd day of June 2019.

James Rika

Judge

Dated, delivered and signed at Nairobi this 14th day of June 2019.

Byram Ongaya

Judge