



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO. 1939 OF 2014

(Before Hon. Justice Mathews N. Nduma)

SIMON NJERU NJIRU.....1ST CLAIMANT

FRED SPORTA.....2ND CLAIMANT

VERSUS

ERICK ONDIGO

HENRY PAUL OKOTH

JACOB ONDARI T/A ORBIT SCHOOL OF MANAGEMENT STUDIES.....RESPONDENTS

JUDGMENT

1. The suit was filed on 3rd April 2014 seeking payment of salary arrears in the sum of Kshs. 124, 850 to the 1st claimant and Kshs. 79,800 to the 2nd claimant.
2. The respondent filed a memorandum of defence on 18th March 2019 in which it denied owing the claimants the amounts claimed. Matter was set down for hearing by the Registrar and both parties were notified.
3. The claimants testified in support of the claim that they were part-time lecturers for the respondent and produced class attendance sheets to illustrate the work schedule given to them and the lessons they delivered to the students of the respondent. The claimants also produced pay slips illustrating the payments made to them by the respondent.
4. The claimants testified that at the time they separated with the respondent they were each owed the amounts set out in the memorandum of claim. The respondent did not attend the hearing without any justification therefore did not adduce any evidence to contradict the reliefs sought by the claimants.
5. The claimants have proved on a balance of probabilities that they were owed and not paid the reliefs sought.
6. Accordingly, judgment is entered in favour of the claimants against the respondent as follows:
 - (a) Kshs. 124,850 in respect of the 1st claimant.
 - (b) Kshs. 79,800 in respect of the 2nd claimant.
 - (c) Interest at court rates from the date of filing suit till payment in full.
 - (d) Costs of the suit.

Dated and Signed in Kisumu this 14th day of November, 2019

Mathews N. Nduma

Judge

Delivered and signed in Nairobi this 22nd day of November, 2019

Maureen Onyango

Judge

Appearances

Mr. Kubai for claimants

Chrispo – Court Clerk