



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT KISUMU**

**CAUSE NO. 373 OF 2017**

*(Before Hon. Justice Mathews N. Nduma)*

**MOSES OLOO MISEH.....CLAIMANT**

**VERSUS**

**MIGORI COUNTY ASSEMBLY.....RESPONDENT**

**J U D G M E N T**

1. The Claimant was employed as administrative assistant by the Respondent. His employment was renewed for three (3) years by a contract of renewal dated 18<sup>th</sup> May, 2016 and produced as exhibit 1 in court. In terms thereof he had a gross monthly salary of Kshs.73,110.
2. In addition, the Claimant was obliged to perform chaplaincy and counseling duties to the employees of the County Assembly and was to be paid equivalent of  $\frac{1}{4}$  per diem on his scale upon providing this service every morning and would sign a register indicating that he had provided the services to enable payment.
3. The Claimant performed the duties continuously from 4<sup>th</sup> January, 2015 until 19<sup>th</sup> June, 2017.
4. The Claimant was not paid for the chaplaincy and counselling services inspite of continued demand to be paid made to the Clerk and Speaker of the County Assembly.
5. The Claimant is seeking payment of Kshs.2,155,479 unpaid allowance.
6. The Claimant's advocate wrote a letter of demand which was ignored by the Respondent hence this suit.
7. The Respondent was served with the statement of claim, receipt of which is acknowledged in a letter by the Clerk to the Assembly dated 21<sup>st</sup> September, 2017 written to the Claimant.
8. The Respondent failed to enter appearance nor file a defence to the suit.
9. The Claimant testified under oath and has formally proved the claim made on a balance of probabilities. The documentation produced, being exhibits 1 to 8 are in support of the claim.
10. Judgment is therefore entered in favour of the Claimant in the sum of Kshs.2,155,479 as against the

Respondent. The Respondent to also pay costs of the suit.

11. The award be paid within 30 days.

**Dated and Signed in Kisumu this 22nd day of February, 2018**

**Mathews N. Nduma**

**Judge**

**Appearances**

Nyamwea & Co. Advocates for Claimant

Chrispo – Court Clerk