



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**CAUSE NO. 359 OF 2016**

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

**DOUGLAS JAMES MAYABI.....CLAIMANT**

**VERSUS**

**MFI TECHNOLOGY SOLUTIONS LIMITED.....RESPONDENT**

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

1. The ruling of the court delivered on 19<sup>th</sup> February, 2017 determined all the issues raised in the main suit.
2. The court found that the employment of the Claimant has not been terminated and he should return to work forthwith and pursue compensation for injuries suffered in the course of duty under the work Injury Benefits Act, 2007.
3. The Respondent in the submissions states that it did not terminate the employment of the Claimant and was still waiting for him to return to work. The Claimant cannot be paid for days he did not work.
4. The suit discloses no cause of action against the Respondent and is an abuse of the court process. The same is dismissed with costs.

**Dated and Signed in Kisumu this 6th day of February, 2018**

**Mathews N. Nduma**

**Judge**

**Delivered and signed in Nairobi this 2nd day of March, 2018**

**Maureen Onyango**

**Judge**

**Appearances**

Kinyanjui Kirimi & Co. for Claimant

Mang'erere Bosire for Respondent

Anne Njung'e – Court Clerk