



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MALINDI

CAUSE NO 15 OF 2017

KAHAMBI KHAMISI MURE.....CLAIMANT

VS

KOROSHO PRIMARY SCHOOL.....RESPONDENT

JUDGMENT

Introduction

1. This claim is brought by Kahambi Khamisi Mure against Korosho Primary School. The claim is contained in a Statement of Claim dated 5th June 2017 and filed in court on even date.
2. The Respondent did not file any reply in spite of due service. The matter therefore proceeded by way of formal proof.

The Claimant's Case

3. The Claimant states that he was employed by the Respondent as a watchman in 2002. He worked as such until 3rd December 2015 when his employment was terminated. It is the Claimant's case that the termination of his employment was unlawful and unfair. He therefore claims the following:

- a) One month's salary in lieu of notice.....Kshs. 5,000
- b) Severance pay for years worked ($1/2 \times 15 \times 2,500$).....37,500
- c) Unpaid off days (54 days @ 166.66).....135,000

Findings and Determination

4. The Claimant testified that he fell ill in 2015, upon which he was admitted in hospital for three days and was thereafter given sick off for a month. When he went back to work he asked to be paid his salary for the period he was on sick off but he was told that he was a casual. He was thereafter terminated and issued with a recommendation letter.
5. The Claimant did not however make any claim for compensation for wrongful or unfair termination of employment. The only issue for determination therefore is whether he has, on a balance of probability, proved the claims for notice pay, severance pay and off days.
6. The Claimant did not bother to lay a basis for any of his claims. Moreover, none of the documents produced in Court, being a sick off sheet from Pwani Medical Centre and a recommendation letter issued by the Respondent goes to prove any of the Claimant's claims.
7. The result is that the Claimant's entire claim fails and is dismissed with no order for costs.
8. It is so ordered.

DATED SIGNED AND DELIVERED AT MALINDI THIS 4TH DAY OF JUNE 2018

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JUDGE

Appearance:

Miss Lughanje h/b Miss Mwangi for the Claimant

No appearance for the Respondent