



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAIROBI**

**CAUSE NO. 1480 OF 2016**

**(Before Hon. Justice Hellen S. Wasilwa on 12<sup>th</sup> July, 2018)**

**ALUFA MUNYASA JACKLINE.....CLAIMANT**

**VERSUS**

**GREENLIFE CROP PROTECTION AFRICA LIMITED.....RESPONDENT**

**JUDGEMENT**

1. The Claimant filed his claim in Court on 28/7/2016 through the firm of Karanja-Njenga & Company Advocates seeking payment of her terminal dues and damages for illegal termination. This claim was scheduled to proceed for hearing on 14.6.2018 before this Court.
2. The Claimant failed to attend Court as scheduled despite serving the Respondent with a hearing notice.
3. I therefore dismissed the Claimant's case with costs to the Respondent and ordered the Respondent to proceed with their counter claim.
4. The Respondent had filed their defence and counterclaim in the claim on 29.8.2016. In the counterclaim, the Respondent claimed Kshs.140,000/= as money received by the Claimant to pay to the Pest Control Products Board Registration but for which she never paid.
5. They aver that she absconded duty on 3.6.2016 without refunding the said money. The Respondents seek payment of this 140,000/= plus 1 month salary in lieu of notice.
6. In the claim filed paragraph 16(e) – the Claimant admits receiving the 140,000/= from the Respondents.
7. I have considered the averments of the Respondent. I find that the counterclaim is proved. I therefore find for the Respondents and award them as follows:-

***1. Kshs.140,000/= in lieu of notice.***

***2. Kshs.140,000/= received by Claimant and admitted and not accounted for.***

***TOTAL = 280,000/= plus costs and interest.***

**Dated and delivered in open Court this 12<sup>th</sup> day of July, 2018.**

**HON. LADY JUSTICE HELLEN WASILWA**

**JUDGE**

**In the presence of:**

Omanga holding brief for Murage for Respondent – Present

Claimant - Absent