



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF
KENYA AT NAIROBI
CAUSE 1673 OF 2015

FREDRICK ODUOR OCHIENG.....CLAIMANT

VERSUS

MARKETING AFRICA LIMITED.....RESPONDENT

JUDGEMENT

1. The claimant stated that he was employed in December, 2006 as a messenger. He stated that his monthly salary was Kshs 16,000/= per month. According to his evidence he was terminated while on sick leave. The leave was for three months. He reported the dispute to the Ministry of Labour and the respondent was summoned and agreed to pay the medical bill. He further stated that the respondent had an AAR Card hence it was wrong to deduct medical bill from his terminal dues.

2. The claimant further stated that during the period he worked he never went on leave and that the respondent never remitted his NSS and NHIF dues but later did so when compelled by the NSSF Inspectors.

3. The matter proceeded ex parte after the court became persuaded that the respondent was duly served but failed to enter appearance and file a defence. The court therefore did not have the benefit of receiving the respondent's side of the story.

4. The court therefore makes the following award:

a. One month's salary in lieu of notice	16,000
b. Unpaid leave	33,600
c. Unpaid balance of salary for February	7,500
d. 17 days worked in March 2015	9,061
e. Eight months salary for unfair termination of service	<u>128,000</u>

194,161

5. The claimant shall further have costs of the suit. The award shall be subject to taxes and statutory deductions.

6. It is ordered.

Dated at Nairobi this 28th day of September, 2018

Abuodha Jorum Nelson

Judge

Delivered this 28th day of September, 2018

Abuodha Jorum Nelson

Judge

In the presence of:-

.....for the Claimant and

.....for the Respondent.