



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAIROBI**

**CAUSE NO. 1106 OF 2014**

**(Before Hon. Justice Hellen S. Wasilwa on 2<sup>nd</sup> October, 2018)**

**SAMUEL THUO WAIGANJO T/A**

**WAIGANJO & ASSOCIATES.....CLAIMANT**

**VERSUS**

**SAMUEL NJOROGE KARIUKI.....RESPONDENT**

**JUDGEMENT**

1. The Claimant herein Samuel Thuo Waiganjo T/A Waiganjo & Associates filed this claim on 2/7/2014 through the firm of Malonza & Company Advocates claiming payment of Kshs.21,000 being payment for breaching contract plus costs.
2. The Claimant's case is that he employed by the Respondent as his Assistant paying him a salary of 70,000/= per month. That it was part of an express term of the contract, that either party could terminate the contract upon issuing a 3-month notice or salary in lieu.
3. He avers that the Respondent absconded duty on 31/5/2013 without any notice or explanation.
4. The Claimant's claim is therefore for payment of the 3 months' salary in lieu of notice with costs of this suit.
5. The Respondent was served with this application through advertisement in the Local Daily Newspapers.
6. The Claimant then filed his Response denying the claim. The case was scheduled for hearing on 16/7/2018. The Respondent failed to attend Court. This claim therefore proceeded undefended.
7. From the evidence adduced by the Claimant, the employment relationship between Claimant and Respondent existed. The Claimant's case remained uncontroverted. I find that the Claimant has established his case on a balance of probabilities. I therefore find for the Claimant and enter judgement against the Respondent for Kshs.210,000/= plus costs and interest with effect from the date of this judgement.

**Dated and delivered in open Court this 2<sup>nd</sup> day of October, 2018.**

**HON. LADY JUSTICE HELLEN WASILWA**

**JUDGE**

**In the presence of:**

Oluoch Waibi holding brief for Orange for Claimant – Present

Respondent – Absent