

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 314 OF 2015

(Before Hon. Justice Hellen S. Wasilwa on 4th December, 2018)

THOMAS MWANYUMBA MWABARA.....CLAIMANT

VERSUS

SUN CROSS CAFE.....RESPONDENT

JUDGEMENT

1. The Claimant herein filed his Memorandum of Claim on 5/3/2015 in person alleging unfair termination of his employment on account of redundancy and refusal by the Respondent to pay him his termination dues.
2. The Claimant stated that he was employed by the Respondent from 8/4/2010 as a Cook at a salary of 9,600/= per month. He avers that he served the Respondent with diligence and utmost loyalty until 4.10.2013 when his services were unfairly terminated.
3. He avers that he was terminated for asking for certain ingredients to be used in cooking. The owner of the Respondent Company told him that he was disturbing them and ordered him to go away.
4. The Claimant seeks payment of his dues including house allowance, salary in lieu of notice, service pay and issuance of a certificate of service.
5. He told Court that demand to sue was made but the Respondent chose not to respond.
6. The Respondents were served with the claim but never filed any Response. This claim therefore proceeded undefended.
7. That notwithstanding, the Claimant failed to produce any documents as evidence that he was an employee of the Respondent. The Claimant also failed to call a witness to corroborate his evidence.
8. The evidence submitted before Court falls below the requisite standard to prove the Claimant ever worked for the Respondent. I therefore dismiss this claim accordingly with no order as to costs.

Dated and delivered in open Court this **4th day of December, 2018.**

HON. LADY JUSTICE HELLEN WASILWA

JUDGE

In the presence of:

No appearance for Parties