



REPUBLIC OF KENYA

EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 2373 OF 2012

PETER KENNEDY OMONDI.....CLAIMANT

VERSUS

CHARLES NEW NYAMOTE.....RESPONDENT

Mr. Ogwe for the claimant

JUDGMENT

1. In the statement of claim filed on 23rd November 2012, the claimant seeks payment of terminal dues tabulated as

(a) Unpaid dues on rent collected Kshs.807,992/=.

(b) Unpaid dues on rent arrears collected Kshs.57,833/=.

Total claim Kshs.865,825/=.

2. The claimant testified under oath in support of particulars of claim to the effect that he was employed by the respondent in September 2008 and worked continuously until March 2012.

3. That he served with loyalty and diligently. That on or about September 2012, the respondent verbally terminated the employment of the claimant and refused to pay his terminal dues set out in the claim.

4. He worked as a caretaker and record keeper and was to be paid 10% commission on monthly rent collected by him.

5. He took care of 15 bedroom units at Satellite, Riruta at Nairobi. He worked for four years and at the time of termination, he was owed the arrears stated in the statement of claim.

6. He prays the amount be allowed with interest and costs.

7. The respondent did not file any response and the suit is therefore undefended. The respondent was served on 14th December 2012 by Benjamin Mutua, a duly authorized process server at his school namely St. Charles Mutegi Educational Centre along Lenana – Mutuine road off Ngong road.

8. The claim has been proved on a balance of probability and the court enters judgment in favour of the

claimant for;

(a) Kshs.865,825/=.

(b) Interest at court rates from date of filing suit till payment in full.

(c) Costs to follow the outcome.

Dated and Delivered at Nairobi this 19th day of May 2017

MATHEWS NDERI NDUMA

PRINCIPAL JUDGE