

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR
RELATIONS COURT AT MOMBASA
CAUSE NUMBER 689 OF 2016

BETWEEN

CHARLES NZEKI MWANGACLAIMANT

VERSUS

SENACA EAST AFRICA LIMITED.....RESPONDENT

Rika J

Court Assistant: Benjamin Kombe

IRB Mbuya & Company Advocates for the Claimant

No appearance for the Respondent

JUDGMENT

1. The Claimant filed his Statement of Claim on 22nd September 2016. He states he was employed by the Respondent as a Night Manager on 16th August 2011. His contract was terminated by the Respondent without just cause and / or notice, on 17th January 2014. He feels termination was unfair and unjust. He was denied certain statutory benefits during employment and upon termination. He prays for: notice pay; overtime pay for rest days and public holidays worked; travel allowance; service pay; the equivalent of 12 months' salary in compensation for unfair termination; costs; and interest.

2. The Claim is undefended. The Claimant gave evidence by way of formal proof, on 22nd March 2017.

3. He has shown the Court he was employed by the Respondent as Night Manager. He earned a monthly salary of Kshs. 40,000 as of the date of termination. No valid reasons were given by the Respondent to him for termination. He was not heard. He worked on rest and public holidays without compensation. He did not take annual leave from 2011. He was not availed leave traveling allowance. He was not shown to have been subscribed under the N.S.S.F. His computation of amounts due is undisputed. The Court has not found fault with the computation, or the law, and principles justifying the amounts claimed. In the absence of any counterevidence, and counter-submissions on the applicable law, ***the Court orders the Claim is granted as particularized in the Statement of Claim dated 12th August 2016, filed on 22nd September 2016.***

Dated and delivered at Mombasa this 23rd day of June 2017

James Rika

Judge