

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU

CAUSE NO. 223 OF 2016

EDWIN MBUGUA WAWERU

CLAIMANT

v

PRESBYTERIAN UNIVERSITY OF EAST AFRICA

RESPONDENT

JUDGMENT

1. This is an undefended Cause, for the Respondent failed to enter appearance or file a Response. According to an affidavit of service sworn by Arasa Kinara and filed in Court on 22 November 2016, the Respondent acknowledged service of Notice of Summons and Memorandum of Claim on 1 July 2016.
2. When the Cause was called out for hearing on 23 March 2017, Mr. Chege for the Claimant informed the Court that he did not intend to lead any oral evidence and that he would rely on the record.
3. The Court reserved judgment to today.
4. According to a Certificate of Service issued by the Respondent to the Claimant and filed in Court, the Claimant was employed by the Respondent on 1 September 2008 and left on 14 June 2012. He served as Accounts Assistant and Storekeeper during the period.
5. On 27 November 2013, the Respondent's Human Resource Manager requested the Finance Officer to pay the Claimant gratuity of Kshs 240,000/-.
6. The payment did not materialise and on 14 October 2014, the Claimant wrote to the Respondent's Vice Chancellor to intervene and authorise the payment of gratuity. There was no response.
7. On 9 June 2016, the Claimant moved Court seeking an order to compel for the payment of the gratuity of Kshs 240,000/- as computed by the Respondent's Human Resource Manager through the Memo of 27 November 2013.
8. In consideration of the Respondent's own Memo and the failure by the Respondent to defend the Cause, the Court finds in favour of the Claimant.
9. Judgment is therefore entered for the Claimant in terms of paragraphs a), b) and c) of the Memorandum of Claim.

Delivered, dated and signed in Nakuru on this 14th day of July 2017.

Radido Stephen

Judge

Appearances

Mr. Chege instructed by Munene Chege & Co. Advocates For Claimant

For Respondent did not appear

Court Assistant Nixon