

REPUBLIC OF KENYA

EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 1489 OF 2013

JAMES MURIITHI KIUMBE.....CLAIMANT

VERSUS

M/S MELLECH ENGINEERING AND

CONSTRUCTION LIMITED.....RESPONDENT

Mr. Muriuki for claimant

JUDGMENT

1. This is a claim for payment of terminal benefits duly owed to the claimant by the respondent upon claimant's resignation from the employ of the respondent by a notice of resignation dated 15th February 2013.
2. From the documentation filed by the claimant, the issue of resignation and the fact that the claimant was entitled to payment of terminal dues in the sum of Kshs.840,787.70/= is not in dispute.
3. The Chief Executive Officer, Mr. Gerald Wamalwa wrote a letter accepting the claimant's resignation dated 11th March 2013 in which he thanked the claimant for service rendered to the company. The Chief Executive Officer also sent a statement of tabulated final dues to the claimant dated 18th March 2013.
4. The suit was not defended and the claimant testified under oath in support of the claim. The claimant stated that only Kshs.15,000/= was paid to him as at the time of filing suit. The claimant served a notice of demand through his advocate, Mulondo Oundo Muriuki and Company dated 22nd May 2013 but the same was not honoured.
5. The court enters judgment in favour of the claimant as against the respondent in the sum of Kshs.825,787.70/=.
6. The sum is payable with interest at court rates from 20th March 2013, the last date of work by the claimant upon his resignation.
7. The respondent to pay the costs of the suit.

Dated, Signed and Delivered on this 17th Day of November 2017

MATHEWS NDERI NDUMA

JUDGE