



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NYERI**

**CAUSE NO. 177 OF 2017**

**LABAN MURIITHI WAMWEA ..... CLAIMANT**

**VERSUS**

**GYTO SECURITY LIMITED ..... RESPONDENT**

(Before Hon. Justice Byram Ongaya on Friday, 17<sup>th</sup> November, 2017)

**JUDGMENT**

The statement of claim was filed on 09.05.2017 through Warutere & Associates. The respondent prayed for judgment against the respondent for:

- a) General damages for unlawful dismissal.
- b) Outstanding dues as set out in the pension scheme rules.
- c) 1 month's salary in lieu of notice Kshs.7, 200.00.
- d) Unpaid leave for one year at Kshs.7, 200.00.
- e) Costs of the suit.

Despite service the respondent did not enter appearance or file a response or attend the hearing.

The claimant testified that he was employed by the respondent as a guard in February 2016. The claimant testified that 04.04.2017 a manager known as Patrick telephoned him and informed him to leave employment. No reason for termination was advanced. The court returns that the termination was unfair for want of a valid reason per section 43 of the Employment Act, 2007. The court has considered that the claimant had served for slightly over one year and he had not contributed to his termination. His monthly pay was Kshs. 7, 200.00. He is awarded six months' pay in compensation under section 49(1) (c) of the Act, one month pay in lieu of termination notice, and one month pay in lieu of annual leave making a sum of **Kshs.57, 600.00**.

In conclusion judgment is hereby entered for the claimant against the respondent for:

- a) Payment of **Kshs. 57, 600.00** by 15.12.2017 failing interest to be payable at court rates till full payment.
- b) The respondent to pay the claimant's costs of the suit.

**Signed, dated and delivered** in court at Nyeri this **Friday, 17<sup>th</sup> November, 2017**.

**BYRAM ONGAYA**

**JUDGE**