

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NYERI

CAUSE NO. 172 OF 2017

RICHARD WAMBUGU KIMINDA.....CLAIMANT

VERSUS

DEDAN KIMATHI UNIVERSITY OF TECHNOLOGY.....RESPONDENT

(Before Hon. Justice Byram Ongaya on Friday, 15th December, 2017)

JUDGMENT

The claimant filed the memorandum of claim on 04.05.2017 through Gori, Ombongi & Company Advocates. The claimant prayed for judgment against the respondent for:

- a) An order for specific performance compelling the respondent to pay the claimant his unpaid dues amounting to Kenya Shillings One Million, Three Hundred and Fifty Nine Thousand, Two Hundred and Fifty (Kshs.1,359,250.00).
- b) Interest on (a) above at court rates.

The respondent filed the memorandum of appearance on 12.05.2017 through Wahome Gikonyo & Company Advocates but did not file a response. The claimant opted to rely on pleadings and the documents on record.

The respondent appointed the claimant to a part-time teaching job at the respondent's School of Business Management and Economics as per the letters of appointment on semester basis and as filed for the claimant.

The claimant then completed the relevant part-time lecturers' claim form with respect to claims for pay for his services as appointed and performed. The claims were duly approved by the respondent. The claim is for the sum of Kshs.1,359,250 being pay for the services rendered and not paid. The court has considered the documentary evidence on record and returns that the claimant is entitled as prayed for.

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

- a) Payment of **Kshs.1,359,250.00** by 01.02.2018 failing interest at court rates is paid thereon from the date of the suit 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, 15th December, 2017.**

BYRAM ONGAYA

JUDGE