



**REPUBLIC OF KENYA**  
**EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA**  
**CAUSE NO 1026 OF 2014**

**CHARLES AKIBA OKENO.....CLAIMANT**

**VERSUS**

**GUARDFORCESECURITY.....RESPONDENT**

**JUDGEMENT**

1. The suit was brought vide a statement of claim dated 12<sup>th</sup> June 2014 and filed on 19<sup>th</sup> June 2014.
2. The claimant seeks payment of terminal benefits set out in paragraph 6 (a) to (i) of the memorandum of claim. The reliefs sought include payment of service pay in lieu of leave not taken; house allowance, salary arrears and underpayments for various periods set out therein.
3. The claimant relies on the memorandum of claim, a statement by the claimant dated 12<sup>th</sup> June 2014 and annexures CAO-1 and 2 attached to the memorandum of claim. The court is satisfied that the claimant was employed as a night watchman from November 2004 earning a monthly salary of Kshs 5,000 until 19<sup>th</sup> June 2013 when the claimant voluntarily resigned from the employment of the respondent on account of the respondent's failure to pay him the money set out under paragraph 6 of the memorandum of claim which was lawfully owed to the claimant by the respondent.
4. The claim for under payments is supported by the General wage order, Kenya Gazette supplement No.91 dated 26<sup>th</sup> June 2015 and Legal Notice No 117 of 2015 produced in court by the claimant.

The claimant further relies on his oral testimony under oath before court.

5. The court is satisfied that the respondent was served with the memorandum of claim and summons on 26<sup>th</sup> July 2014 and the process server Mr Charles Mutua Mwanzi filed return of service on 21<sup>st</sup> June 2015. The respondent failed to enter appearance nor to file a statement of defense to the claim.
6. The court has considered the evidence before court and is satisfied that the claims set out under paragraph 6 of the memorandum of claim have been proved by the claimant on a balance of probabilities and the court enters judgement in favour of the claimant for the sum of Kshs 282,786.53.
7. The award is payable with interest at court rates from date of filing suit till payment in full.
8. The respondent is ordered to provide a certificate of service to the claimant within 30 days from date of judgement.
9. The respondent to pay the costs of the suit.

**Dated and delivered at Nairobi this 24<sup>th</sup> June 2016**

**MATHEWS N. NDUMA**

**PRINCIPAL JUDGE**