



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
AT NAIROBI

CAUSE NUMBER 1918 OF 2014

PETER ODHIAMBO OGUTU.....CLAIMANT

VERSUS

PRISAL ENTERPRISES LIMITED.....RESPONDENT

JUDGMENT

1. The cause proceeded ex parte after the Court became convinced that despite the fact that the respondent was served with summons, it failed to enter appearance and file a defence.
2. The claimant averred that he was an employee of the respondent having been employed as a welder in February 2014 until September, 2014 when his services were terminated on account of allegation of failing to prevent theft of workshop tools and items which occurred after working hours.
3. He further averred that upon termination he was never given any termination letter. He was further prior, to such termination never issued with any warning. He complained further that before termination, he was never subjected to any disciplinary hearing.
4. In his evidence he opted to adopt his statement filed with the memorandum of claim and further stated that he was dismissed for claiming his dues.
5. In his statement he states in the main that on 22nd August, 2014 he finished work around 5.00 p.m. and went home. At about 6.00 p.m. two people were seen with iron sheets which they had stolen from the workshop. One of them ran away but the other was arrested by security. The next day they were called and asked about the theft but he denied involvement. The supervisor then told them that since they could not reveal how the metal sheets were stolen, they should go home until further advised.
6. The matter proceeded ex parte hence the Court did not have the benefit of cross-examination of the claimant and evidence from the respondent.
7. The Court therefore finds that the claimant was unfairly terminated and awards him as follows:-

Kshs.

- a. One month's salary in lieu of notice.....18,000.00
- b. Two months salary as compensation for

unfair termination.....36,000.00
c. Salary for the month of August.....18,000.00
72,000.00

d. Costs of the suit.

8. It is so ordered.

Dated at Nairobi this 17th day of June 2016

Abuodha Jorum Nelson

Judge

Delivered this 17th day of June 2016

In the presence of:-

.....for the Claimant and

.....for the Respondent.

Abuodha Jorum Nelson

Judge