

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NYERI

CAUSE NO. 112 OF 2015

JULIUS GICHERU NJOROGE..... CLAIMANT

-VERSUS-

SKY SHEPHARD SECURITY LTD..... RESPONDENT

(Before Hon. Justice Byram Ongaya on Friday 29th July, 2016)

JUDGMENT

The claimant filed the memorandum of claim on 03.07.2015 through Gori, Ombongi & Company Advocates. The claimant prayed for judgment against the claimant for a sum of Kshs. 532, 062.00 being transport reimbursement Kshs.180,000.00; 21 days' annual leave for 10 years Kshs. 33, 600.00; four off-days per month at 160/= per day for 10 years Kshs. 76, 800.00; pension deductions Kshs.6,000.00; and salary arrears Kshs.235, 662.00.

Despite service of the notice of summons, the memorandum of claim, the mention notices and the hearing notice, the respondent failed to enter appearance, to file a response and to attend court at the hearing.

The claimant opted to rely on the pleadings and documents on record. The claimant's case is that he was orally employed by the respondent by an oral agreement in 2004. The claimant's monthly salary was Kshs.4, 800.00. The claimant worked for the respondent for 10 years and then he applied to retire sometimes in March 2014. The salary arrears arose due to underpayments in view of the prevailing wage orders.

The respondent did not file a defence and is deemed to have admitted the liquidated claim and the court awards the claimant as prayed for.

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

1. The respondent to pay the claimant **Kshs.541, 262.00** by 01.10.2016 failing interest at court rates to be payable thereon from the date of the suit, 03.07.2015.
- 2.The respondent to pay the claimant's costs of the suit.

Signed, dated and delivered in court at **Nyeri** this **Friday, 29th July, 2016.**

BYRAM ONGAYA

JUDGE