

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO 29 OF 2013

DR. JOSEPH MAINGI

MAITHA.....CLAIMANT/APPLICANT

VERSUS

THE PERMANENT

SECRETARY

**MINISTRY OF MEDICAL SERVICES.....1ST
RESPONDENT**

ATTORNEY GENERAL.....2ND RESPONDENT

RULING

1. On 28th January 2015 I converted the Claimant's summary dismissal to normal termination and directed the Respondents to tabulate and pay all his terminal benefits. I also awarded the Claimant the sum of Kshs. 760,266 being six months' salary in compensation for unfair dismissal.
2. The Respondents failed to tabulate the final dues prompting the Claimant to file an application seeking adoption of his tabulation dated 5th March 2015.
3. In his tabulation the Claimant claims withheld salary from July 2010-28th September 2012, leave pay and leave allowance for four (4) years, notice pay and transfer allowances. However, no documentary evidence was produced to support this tabulation.
4. The Court therefore only confirms the sum of Kshs. 126,711 being one (1) month's salary in lieu of notice in accordance with Section 35 of the Employment Act, 2007.
5. Orders accordingly.

**DATED SIGNED AND DELIVERED IN OPEN COURT AT NAIROBI THIS 25TH DAY OF
NOVEMBER 2016**

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JUDGE

Appearance:

Mr. Nyabena for the Claimant

Miss Chesya for the Respondents

