

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NYERI

CAUSE NO. 19 OF 2016 CONSOLIDATED WITH CAUSES 20, 21 AND 22 ALL OF 2016

SOLOMON WAFULA.....1ST CLAIMANT

SIMON KAHURA IRUNGU.....2ND CLAIMANT

ALICE WANJIKU KIMANI.....3RD CLAIMANT

RUFUS WANJIE GATHINGU.....4TH CLAIMANT

VERSUS

BABS SECURITY SERVICES LIMITED.....RESPONDENT

(Before Hon. Justice Byram Ongaya on Friday, 18th November, 2016)

JUDGMENT

Each claimant filed a memorandum of claim against the respondent on 08.02.2016 through Kirubi, Mwangi Ben & Company Advocates. Each claimant prayed for terminal dues against the respondent as calculated by the labour officer. Each claimant further prayed for 12 months' compensation for unfair termination together with costs of the suit.

The respondent was served but failed to enter appearance and to file a response. Despite service the respondent did not attend the hearing.

The court has considered the pleadings, the documents on record and the submissions filed for the claimants. The court finds that each of the claimant is entitled to terminal dues as per the computation by the labour officer dated 10.09.2015.

The claimants lost employment by reason of redundancy. The labour officer calculated all their dues flowing from the redundancy. There is no pleading or evidence on the particulars of the alleged unfair termination. The prayer for 12 months' pay for unfair termination will therefore fail.

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

a) The respondent to pay 1st claimant **Kshs. 16, 603.90**; 2nd claimant **Kshs.95, 860.00**; the 3rd claimant **Kshs.59, 009.50**; and the 4th claimant **Kshs. 52, 032.80** by 15.12.2016 failing interest to be payable at court rates from the date of the suit 08.02.2016 till full and final payment.

b) The respondent to pay each claimant's costs of the suit.

Signed, dated and delivered in court at **Nyeri** this **Friday, 18th November, 2016**.

BYRAM ONGAYA

JUDGE