



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
AT MOMBASA
CAUSE NO.522 OF 2015
MATANO KATHITHE KOMBE.....CLAIMANT
VS
SONYICARGO MASTERS LIMITED.....RESPONDENT

JUDGMENT

Introduction

1. The claimant was employed by the respondent as a Marine Aquarist from September 2010 and worked until 1.10.2014 when he resigned after serving a month notice. The reason for his resignation was poor working conditions in the form of delayed payment of salary. As at the time of his resignation he was earning a monthly salary of kshs.7,000. After the resignation, the claimant was never paid his accrued benefits and he lodged a complaint at the Labour Office Mombasa and after the respondent was summoned to a hearing, they reached a settlement which was signed on 5.1.2015 for a total sum of kshs.32,828. When the respondent defaulted even after service of a demand letter, the claimant brought this suit on 21.7.2015 claiming the agreed sum of kshs.32,828.

2. The respondent filed no defence but the court still heard him when the suit came up for hearing on 1.9.2016. The claimant testified as Cw1 and the respondent as the Rw1.

Analysis and Determination

3. There is no dispute that the claimant was employed by the respondent as stated above until he resigned on 1.10.2014. There is also no dispute that the parties appeared before the Labour office and signed agreement in which the respondent was to pay to the claimant a total sum of kshs.32,828. The said sum was calculated as follows:-

- a. **9 months leave..... kshs. 3,675.00**
- b. **Wages for September 2014.....kshs. 7,000.00**
- c. **4 years service pay.....kshs. 14,000.00**
- d. **4 years travelling allowance.....kshs. 2,400.00**
- e. **Overtime.....kshs. 3,953.35**

f. Wages for July 2014.....kshs. 7,000.00

kshs. 37,528.35

Less Advances..... 4,700.00

32,828.35

4. The said debt was payable on or before 15.4.2015 but the respondent defaulted. As result, the claimant instructed his lawyer and the respondent was served with a demand letter dated 20.4.2015 followed by this suit. In my view, the whole claim is admitted. The respondent filed no defence and in his testimony he admitted that he signed the settlement agreement at the Labour office and he was ready to pay the said amount as agreed. The claim is therefore allowed as prayed.

Disposition

5. For the reason stated above I enter judgment for the claimant in the sum of **kshs.32,828** plus costs and interest from the date of filing suit. I also direct the respondent to issue the claimant with a Certificate of Service forthwith.

Signed, dated and delivered at Mombasa this 11th day of November, 2016.

ONESMUS MAKAU

JUDGE