



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

CAUSE NO. 1337 OF 2014

JOSEPHAT OCHENJA MWACHUMACLAIMANT

VERSUS

BABS SECURITY SERVICES LIMITED.....RESPONDENT

Claimant in person

JUDGMENT

1. This claim is not opposed, the Respondent having failed to enter appearance or file a defence in spite of proper service having been effected on 26th August, 2014 and an Affidavit of Service duly filed on 7th October, 2014 by Gloria Dzuya, a duly authorized Process Server.
2. The claim is for arrear salaries for the months of September and October, 2013 and 8 days worked in the month of November in the sum of Ksh.17,000.00. The claim is meritorious and is awarded accordingly.
3. The Claimant was employed by the Respondent on 20th August, 2013 as a Security Guard and worked continuously till the 8th November, 2013 when his services were unlawfully and unfairly terminated.
4. The pleadings and the oral testimony by the Claimant has satisfied the court that, the Respondent had no valid reason to summarily dismiss the Claimant from work.
5. The Claimant was on the morning of 8th November, 2013, without any prior notice told that there was no more work for him. No reason was provided. He was not paid in lieu of notice though he has not made a claim in lieu of notice in the Statement of Claim.
6. The claimant seeks compensation for the monetary loss and mental suffering he experienced as a result of unplanned loss of his source of employment.
7. The Claimant having served for a relatively short period had prospects of long service at the Respondent's employment. It is not easy to get alternative employment in Kenya especially as in this case, where the employer fails to provide the employee with a certificate of service and reasons for termination of the employment.
8. Accordingly, the court awards the Claimant six (6) months' salary as compensation for the unlawful

and unfair dismissal in the sum of Ksh.45,000.00.

9. Total award to the Claimant is Ksh.62,000.00.

10. The award is payable with interest at court rates from date of Judgment till payment in full.

11. The Respondent is also to pay the costs of the suit.

Dated and Delivered at Nairobi this 27th day of February, 2015.

MATHEWS N. NDUMA

PRINCIPAL JUDGE