



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAIROBI**

**CAUSE NUMBER 1882 OF 2011**

**STANLEY NGULI MULI**

**JONAH MWENDWA MUTISYA**

**ALICE IKAMATI**

**MERCY WALIAULA**

**LIVINGSTONE MUSYOKA.....CLAIMANTS**

**VERSUS**

**ZENITH MEDIA SERVICES LTD.....RESPONDENT**

**JUDGMENT**

1. The claimants in this suit were former employees of the respondent who claim to have been employed on various dates.
2. They aver that they always served the respondent with loyalty, dedication and diligence yet on 30<sup>th</sup> April, 2011 the respondent terminated their services and has since failed to pay them their terminal dues. They herein seek an order of this Court that the respondent pays them their terminal dues as tabulated in paragraph 5 of the memorandum of claim.
3. The respondent though served never entered appearance or filed a memo of response to the claim. I consequently ordered on 15<sup>th</sup> December, 2014 that the matter proceeds as an undefended cause and gave the claimant liberty to file submissions based on the documents filed in support of the claim.
4. Counsel for the claimants submitted that one of the reasons that will deem termination of employment unfair would be the instance where the employer fails to prove that the reasons for termination is valid.
5. The respondent did not put any evidence to prove that terminating the claimant's employment was fair hence counsel submitted that the Court should find that the termination of the claimants services was unfair and order for compensation.
6. The respondent having failed to honour the summons of this Court the claimants averments

remain unchallenged and the Court proceeds to find the termination of claimant's services was unfair and wrongful as claimed and proceed to award them as follows:-

**(a) STANLEY NGULI MULI**

(i) Salary arrears for three months (February,

March and April) 42,000 x 3 months ..... Kshs.126,000.00

(ii) Severance pay in lieu of redundancy

42,000 x 18 days x 1 .....29,076.90

26

(iii) Six (6) months' salary being damages for

Unfair termination Kshs.42,000 x 6.....252,000.00

(iv) Bonus.....8,400.00

Total 515,477.00

**(b) LIVINGSTONE MUSYOKA MUSAMALI**

(i) Salary arrears for three months (February, March,

and April) 24,000x 3 months.....Kshs.72,000.00

(ii) Severance pay in lieu of redundancy

24,000 x 18 days x 1 .....16,615.40

26

(iii) Six (6) month' salary 24,000 x 6 months.....144,000.00

(iv) Bonus.....4,800.00

Total 237,415.00

**(c) JONAH MWENDWA MUTISYA**

(i) Salary arrears for three months (February,

March and April) 30,000 x 3 months.....90,000.00

(ii) Severance pay in lieu of redundancy

30,000 x 18 days x 1 .....20,769.20

26

(iii) Six (6) months' salary 30,000 x 6.....180,000.00

(iv) Bonus.....6,800.00

Total

297,569.00

**(d) ALICE IKAMATI**

(i) Salary arrears for three months (February, March and April) 10,000 x 3 months.....	30,000.00
(ii) Six (6) months' salary.....	60,000.00
(iii) Claim for cost incurred.....	<u>660.00</u>
Total	<u>90,660.00</u>

**(e) MERCY WALIAULA**

(i) Salary arrears for three months (February, March and April) 10,000 x 3 months.....	30,000.00
(ii) six (6) months' salary 10,000 x 6.....	<u>60,000.00</u>
Total	<u>90,000.00</u>

**GRAND TOTAL**                      **1,131,121.00**

7. It is so ordered.

Dated at Nairobi this 27<sup>th</sup> day of February 2015

Abuodha J. N.

Judge

Delivered this 27<sup>th</sup> day of February 2015

**In the presence of:-**

.....for the Claimant and

.....for the Respondent.

Abuodha J. N.

Judge