



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

**AT NAIROBI**

**CAUSE NUMBER 295 OF 2014**

**ISAAC MULI MUASYA.....CLAIMANT**

**VERSUS**

**LAVINGTON SECURITY LIMITED.....RESPONDENT**

**JUDGMENT**

1. This claim proceeded as an undefended cause once the Court was reasonably satisfied that the respondent was duly served but failed to file a response to the claim.
2. The claimant seeks compensation from the Court on account of wrongful and unfair termination of his services.
3. The brief facts are that the claimant was employed on 1<sup>st</sup> June, 2012 as a supervisor. The appointment was verbal but was evidenced by claimant's work identity card that described him as such.
4. His services were terminated on 5<sup>th</sup> December, 2012 without any prior notice hence he considered such action as unlawful and unfair.
5. In claims for unfair termination of employment, the onus is on the employer to justify the termination. In this particular case the respondent though served did not enter appearance or file a defence leaving the claimant's claim uncontroverted. The Court therefore awards him the sum of Kshs.123,480 as prayed in his memorandum of claim.
6. The respondent shall further issue the claimant with a certificate of service. The claimant will have costs of the suit.
7. It is so ordered.

**Dated at Nairobi this 6<sup>th</sup> day of March 2015**

**Abuodha J. N.**

**Judge**

Delivered this 6<sup>th</sup> day of March 2015

**In the presence of:-**

.....for the Claimant and

.....for the Respondent.

Abuodha J. N.

Judge