



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

CAUSE NO. 753 OF 2013

KENEDY OMONDI AKOKOCLAIMANT

VERSUS

RAFIKI FOUNDATIONRESPONDENT

Claimant in person

JUDGMENT

1. The suit was commenced on 22nd May, 2013 by way of a Memorandum of Claim dated 20th May, 2013.
2. The Claimant seeks payment in lieu of notice in the sum of Ksh,8,500.00 and compensation for loss of employment equivalent to 12 months' salary in the sum of Ksh.102,000.00
3. The Claimant states that he was employed by the Respondent on 1st January, 2007 as a Security Guard. He worked continuously until the 3rd December, 2011, when his services were suddenly curtailed.
4. The Respondent simply told him that there was no more work. He was given a letter of recommendation dated 31st December, 2011.
5. Upon termination the Claimant was paid for days worked and money that had been deducted from his salary for 6 months in the sum of Ksh.13,000.00.
6. In his testimony he said that the dismissal was unlawful and unfair as it was for no reason and without notice.
7. That he suffered financial loss and mental anguish upon termination. He has not obtained another job since apart from casual jobs from time to time.
8. The Respondent did not appear at the hearing of this matter in court. The claim remained unopposed.
9. Taking into account the circumstances of the case including the length of service and the manner of termination, the court awards the Claimant six (6) months' salary as compensation for the unlawful and unfair dismissal in the sum of Ksh.51,000.00. The court further awards the Claimant Ksh.8,500.00 in lieu of Notice.
10. Total award is Ksh.59,500.00.

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

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

Dated and Delivered at Nairobi this 6th day of March, 2015.

MATHEWS N. NDUMA

PRINCIPAL JUDGE