



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS
COURT OF KENYA AT NAIROBI
CAUSE NO. 111 OF 2013
AMOS MANGO WEBELA.....CLAIMANT
VERSUS
SICHUAN YONGZHI CONSTRUCTION.....RESPONDENT

Mr. Wathome for Claimant

JUDGMENT

1. The suit was filed on 28th January 2013 vide a Memorandum of Claim dated the same date.
2. The Claimant seeks payment of terminal benefits to wit;
 1. one month salary in lieu of notice in the sum of Kshs.24,000.00;
 2. payment in lieu of untaken leave for one year in the sum of Kshs.24,000.00 and compensation for alleged unlawful and unfair termination.
3. Annexed to the Memorandum of Claim are documents in support of the Claimant's case. The Claimant also testified under oath in support of the particulars of Claim.
4. In spite of service of the summons and hearing notice, the Respondent did not enter appearance nor file a Statement of Defence against the Claim.

The Respondent did not also attend the hearing of the case.

5. The Court has considered the facts of the case and has come to the conclusion that;

The Claimant was employed by the Respondent on 10th November 2010 as a supervisor. He worked diligently and continuously until the 6th September 2012, when the Respondent summarily dismissed him for no valid reason and without following a fair procedure. He was simply told by a manager of the Respondent that his services were no longer required.

6. The Claimant has proved his case on a balance of probabilities and the Court awards him;

- i. Kshs.24,000.00 being one month salary in lieu of notice;

ii. Kshs.24,000.00 for the untaken annual leave; and

iii. considering that the Claimant had served the Respondent for a period of one(1) year and was dismissed for no valid reason without a notice, the Court awards the Claimant five (5) months salary as compensation for the unlawful and unfair termination in the sum of Kshs.120,000.00.

Total award Kshs.150,000.00.

iv. the award is payable with interest at Court rates from date of this judgment till payment in full;

v. the Claimant is also awarded costs of the suit.

Dated and Delivered at Nairobi this 29th day of April, 2015.

MATHEWS N. NDUMA

PRINCIPAL JUDGE