



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NYERI

CAUSE NO. 87 OF 2014

KENYA UNION OF DOMESTIC HOTELS EDUCATIONAL

**INSTITUTIONS, HOSPITALS AND ALLIED
WORKERS..... CLAIMANT**

VERSUS

**PASTORAL
INDUSTRIES.....RESPONDEN
T**

(Before Hon. Justice Byram Ongaya on Friday 22nd May, 2015)

JUDGMENT

The claimant filed the memorandum of claim on 15.07.2014 to claim the terminal dues on behalf of its member Jorum Ngigi, the grievant. The claimant prayed for immediate reinstatement of the claimant or in alternative, the respondent to pay the following in 30 days:

1. One month pay in lieu of termination notice Kshs.4,000.00.
2. Salary for 27 days worked in August 2009 Kshs.5,853.00.
3. Gratuity for 6 years Kshs.16,965.00.
4. Underpayment of salary and house allowance for 3 years for stated periods in 2006 to 2009 being a sum of Kshs.69,328.00.
5. Pay for 3 years annual leave Kshs.11,876.00.
6. Total **Kshs.108,022.00.**

The respondent was served the statement of claim but did not file a defence or the statement of response. Despite service of the hearing notice, the respondent did not attend the hearing.

The hearing proceeded ex-parte and the grievant testified to support his case.

The grievant testified that he was employed by the respondent. On 17.08.2009 he was at work and he was summoned and told there was no work. He then prayed for justice. The claimant then closed its case as it fully relied on the evidence and the documents on record.

The only issue for determination is whether the claimant is entitled to the prayers as set out in the memorandum of claim.

In absence of a response, the court finds that the respondent is deemed to have admitted all facts of the case and the court further finds that the claimant is entitled to the terminal dues as prayed for.

In conclusion, judgment is entered for the claimant against the respondent for:

1. The respondent to pay the grievant **Kshs.108,022.00** by 1.07.2015 in default interest to be payable thereon at court rates from the date of termination 17.08.2009 till full payment.
2. The respondent to pay costs of the suit.

Signed, dated and delivered in court at **Nyeri** this **Friday, 22nd May, 2015.**

BYRAM ONGAYA

JUDGE