



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

CAUSE NO. 401 OF 2014

PAUL MUIRURI KARIUKI.....CLAIMANT

VERSUS

CHINA JIANGXI INTERNATIONAL LTD.....RESPONDENT

Claimant in person

JUDGMENT

1. This suit was filed on 14th March 2014 seeking payment of terminal benefits to wit;
 - i. one (1) month salary in lieu of notice in the sum of Kshs.14,500.00;
 - ii. annual leave in the sum of Kshs.11,891.00; and
 - iii. house allowance in the sum of Kshs.2,548.00;
 - iv. N.S.S.F. arrears in the sum of Kshs.2,400.00, totaling Kshs.31,399.00.
2. The Claimant further seeks compensation for unlawful and unfair termination of employment.
3. The particulars of Claim are set out in the Memorandum of Claim and since no statement of Response was filed by the Respondent, the particulars remain wholly uncontroverted.
4. The Claimant testified under oath in support of the particulars of claim and the Court is satisfied that the same have been proven on a balance of probabilities.
5. The Claimant worked as a labourer from 5th March 2012 and was promoted to a carpenter later.
6. He worked for the Respondent until the 24th June 2013, when the employment was terminated for no valid reason and without according the Claimant opportunity to explain why his employment ought not to be terminated. He earned Kshs.14,560.00 per month at the time of termination and was registered with NSSF and NHIF.
7. The Claimant submitted documentation in support of the Claims made.

Compensation

8. The Claimant had served the Respondent diligently for more than one (1) year and had good prospects of continued employment. He was not paid any terminal benefits upon termination and suffered loss and damage as a consequence of the unlawful and unfair termination.

9. Following the guidelines under **Section 49(1)** as read with **Section 49(4)** of the Employment Act, the Court awards the Claimant five (5) months salary as compensation for the unlawful and unfair termination in the sum of Kshs.72,800.00.

10. Accordingly, the total award to the Claimant is as follows;

- i. Kshs.31,399.00 being terminal benefits set out herein above; and
- ii. Kshs.72,800.00 compensation;
- iii. total award is Kshs.104,199.00.
- iv. the award is payable with interest at Court rates from date of this judgment till payment in full.
- v. the Respondent is to pay the costs of the suit.

Dated and Delivered at Nairobi this 8th day of May 2015.

MATHEWS N. NDUMA

PRINCIPAL JUDGE