



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 645 OF 2014

ANGELINE MUSINZI MUNYASA.....CLAIMANT

VERSUS

ZTE (KENYA) LTD.....RESPONDENT

JUDGMENT

1. This cause proceeded as an undefended cause since the respondent though served neither entered appearance nor filed a defence.
2. In the memorandum of claim filed on 16th April, 2014, the claimant avers that he was employed by the respondent in December, 2002 as a cleaner by a written contract which was signed afresh every year. She worked until 2012 June, when she claimed she was verbally dismissed. According to her, the dismissal followed a short period of less than one month during which she was on sick off having fractured her leg.
3. In her evidence in Court, the claimant stated that she was initially employed as a casual worker in 1998 but later in 2002 she was given a contract. It was her evidence that in 2012 she got an accident and was given a sick off by the doctor. She produced the various sick offs given by her doctor in evidence.
4. She testified that she used to earn Kshs.10,520 per month. Upon termination, she was never issued with notice of termination and that she was not paid for the month of June, 2012 and that she never went on leave for the period worked.
5. As stated, earlier this suit proceeded as an undefended cause. The claimant in her pleadings and supporting documents as well as oral testimony reasonably established that she was the respondent's employee and that at some point she got injured and was unable to continue working. The model contract of employment exhibited by the claimant showed that, save for summary dismissal, either part could terminate the contract by giving one month's notice or payment in lieu thereof. The respondent never defended the suit to show any such notice or payment in lieu thereof was made.
6. In conclusion the Court awards the claimant as follows:-

Kshs.

- (i) One month's pay in lieu of notice.....10,518.00
- (ii) Salary for May and June.....21,036.00

(iii) 8 months' salary as compensation for

Unfair termination.....84,144.00

115,698.00

(iv) Costs of the suit.

7. The claim for service pay is disallowed since the claimant was registered for NSSF.

8. It is so ordered.

Dated at Nairobi this 17th day of July 2015

Abuodha J. N.

Judge

Delivered this 17th day of July 2015

In the presence of:-

.....for the Claimant and

.....for the Respondent.

Abuodha J. N.

Judge