



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

CAUSE NO. 26 OF 2013

DONALD ORICHO CLAIMANT

VERSUS

THE NATIONAL VISION PARTY..... 1ST RESPONDENT

NICHOLAS K. BIWOTT 2ND RESPONDENT

BENTER AKINYI OPANDE 3RD RESPONDENT

JUDGMENT

1. The Claimant, Donald Oricho was appointed by the 1st Respondent. The National vision Party to manage the county office at Nairobi on a 5 year contract at a monthly salary of Ksh.18,000.00.
2. In terms of the letter of appointment marked exhibit 'A' and dated 23rd January, 2012, the contract was terminable by either party giving a one month's notice or payment of two months' salary in lieu of notice.
3. The Respondent's offices were situated at Bharvsh Centre along Murang'a Road.
4. The Claimant worked from 23rd January, 2012 up to December, 2012 but was not paid his monthly salary. He was only paid Ksh.10,000.00 by the 2nd Respondent, Mr. Nicholas K. Biwott.
5. The Claimant claims his arrear salary of Ksh.188,000.00 and subsequent salaries thereafter.
6. The 3rd Respondent, Ms. Benter Akinyi Opande filed a Memorandum of Defence on 11th November, 2013 in which she makes the following admissions,
7. That on 23rd January, 2012, she recruited the Claimant and notified the 2nd Respondent.
8. That the Claimant was not paid salary until March, 2012 when the 2nd Respondent made part payment of Ksh.10,000.00.
9. The 3rd Respondent admits that the Respondents have not honoured the contract of employment and commits to abide by the decision of the court.

10. The 1st and 2nd Respondents did not file any Statement of Defence in the matter.

11. The Claim is therefore not contested and the court orders as follows;

The Claimant is owed by the Respondents jointly and severally, a sum of Ksh.188,000.00 being arrear salary for the months of February to December, 2012.

12. The sum is payable to the Claimant with interest at court rates from the date of filing this suit till payment in full.

13. The Respondents are also to pay the costs of the suit to the Claimant.

Dated and Delivered at Nairobi this 21st day of August, 2015.

MATHEWS NDERI NDUMA

PRINCIPAL JUDGE