



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NYERI

CAUSE NO. 59 OF 2015 CONSOLIDATED WITH CAUSES 60, 61, 62 AND 63 ALL OF 2015

MARGARET NJOKI MBURU.....1ST CLAIMANT

JOYCE WAIRIMU NJOROGE.....2ND CLAIMANT

ELIZABETH ROBI IREGI.....3RD CLAIMANT

SILPHA MUTHONI GITHUA.....4TH CLAIMANT

LEAH MUTHONI NJOROGE.....5TH CLAIMANT

VERSUS

THUITA INVESTMENT COMPANY LIMITED....RESPONDENT

(Before Hon. Justice Byram Ongaya on Friday 9th October, 2015)

JUDGMENT

Each of the claimants filed a statement of claim on 15.04.2015 through Mwaniki Warima & Company Advocates. The respondent filed a statement of response against each of the statements of claims. The suits were consolidated and heard together.

The parties agreed that the suits be determined on the basis of the pleadings, documents and affidavits on record. The court has considered the material on record and observes the following facts of the cases:

- a. The claimants were employed on diverse dates as general workers.
- b. Each claimant was served with a month's notice that the employment would come to an end due to respondent's reduced operations.
- c. Each claimant was dissatisfied with the termination and they filed present suits claiming and praying for a declaration that the termination was unfair as the respondent did not follow laid down procedures; damages, leave due and not taken, public holidays, house allowance, severance pay and compensation for loss of employment.

The court finds that section 40 of the Employment Act, 2007 on redundancy applied to the claimants' termination from employment. Accordingly the court finds that each claimant is entitled as follows:

- a. Pay in lieu of annual leave due but not taken.
- b. One month pay.
- c. Severance pay for each completed year served at 15 days (half month salary) for each completed year.

d. Less amount each claimant was paid through the labour officer.

The claimants did not give evidence to establish the basis of the other claims and prayers. The same shall fail.

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

1. The claimants to compute, file and serve by 16.10.2015 the money as found due in (a) to (d) in this judgment for recording the same in court on 23.10.2015.
2. The respondent to pay each claimant the money in (1) by 1.12.2015 failing interest at court rates to be paid from date of the suit till full payment.
3. The respondent to pay claimants' costs of the suit.

Signed, dated and delivered in court at **Nyeri** this **Friday, 9th October, 2015.**

BYRAM ONGAYA

JUDGE