



REPUBLIC OF KENYA
 IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
 AT MOMBASA
 CAUSE NUMBER 202 OF 2015

BETWEEN

SARO NGOA MSINDACLAIMANT

VERSUS

SWAMI GUARDS SECURITYRESPONDENT

Rika J

Court Assistant: Benjamin Kombe

Mr. Kenga Advocate instructed by Kenga & Company Advocates for the Claimant

No appearance for the Respondent

ISSUE IN DISPUTE: UNLAWFUL AND UNFAIR TERMINATION

AWARD

[Rule 27 [1] [a] of the Industrial Court [Procedure] Rules 2010]

1. The Claimant filed his Statement of Claim on 13th April 2015. He states he was employed by the Respondent as a Security Guard, on 24th February 2013, earning a salary of Kshs. 8,000 per month. On 24th January 2014, the Respondent terminated the Claimant’s contract of employment. Neither reasons, nor notice, preceded the decision. The Claimant was simply told his services were not required. He seeks from the Respondent:-

- a. 1 month salary in lieu of notice at Kshs. 8,000
- b. 25 days’ salary for work done in January 2014 at Kshs. 6,666.65
- c. 12 months’ salary in compensation for unfair termination at Kshs. 96,000

Total Kshs. 110,665.65

d] Interest and costs.

2. The Respondent did not attend Court in answer to Mention and Hearing Notices served. It did not make any Appearance, or file Response to the Claim. The Claimant gave evidence and closed his case, on the 29th September 2015.

The Court Finds:-

3. The Claim is unchallenged. The evidence given by the Claimant is satisfactory. His prayers are straightforward. His demands recorded before the Conciliator in the Ministry of Labour, are consistent with what is presented before the Court. The Court is persuaded the Claim is fully merited.

It is hereby ordered:-

- a. ***Termination of the Claimant's contract of employment was unfair***
- b. ***The Claimant is granted 12 months' salary in compensation at Kshs. 96,000; 1 month salary in lieu of notice at Kshs. 8,000; and salary for 25 days worked in January 2014 at Kshs. 6,666.65- total Kshs. 110,666.65***
- c. ***Costs and interest to the Claimant***

Dated and delivered at Mombasa this 4th day of December 2015

James Rika

Judge