



REPUBLIC OF KENYA

Industrial Court of Kenya

Cause 41 of 2013

JOYCE W. MUIRURI.....CLAIMANT

VERSUS

TOPWALL INSURANCE AGENCY LTD.....RESPONDENT

JUDGMENT

The Claimant, **Joyce Wanjiru Muiruri** filed the Memorandum of Claim on 28.09.2012 against **Topwall Insurance Agency Limited**. Despite service, the Respondent failed to enter appearance and did not file the Memorandum of response.

The Claimant has prayed for:

- (a) **An award of Kshs.25, 000/= being payment in lieu of the annual leave days earned but not taken for five years by the Claimant.**
- (b) **Service pay of Kshs.2, 500/= for each year she worked being salary for 15 days equal to Kshs.17, 500/=.**
- (c) **Costs of this suit.**
- (d) **Any other or further relief that the Honourable Court may deem fit to grant.**

The case came up for hearing on 2.05.2013 when the Claimant gave evidence to support her case. Despite the service of the hearing notice, the Respondent did not attend court.

In view of the evidence on record, the court makes the following findings:

- (a) **The Claimant was employed by the Respondent with effect from February, 2002 at a monthly salary of Kshs.5, 000/=.**
- (b) **During the employment, the Claimant did not take and was not granted annual leave except in the year 2004. By the letter dated 1st September, 2008 being appendix 2 on Memorandum of Claim, the Claimant served a 30 days termination notice thereby terminating her contract of employment.**
- (c) **The certificate of service marked 1 on the Memorandum of Claim confirms that the Claimant worked for the Respondent from 1.02.2002 to 30.9.2008.**
- (d) **The Claimant has proved her claims and is entitled to the remedies as prayed for in the Memorandum of Claim.**

In conclusion, Judgment is entered for the Claimant against the Respondent for:

(a) the Respondent to pay the Claimant a sum of Kshs.55,000/= plus interest at court rates from the date of the Judgment till full payment.

(b) the Respondent to pay costs of the cause.

Dated, signed and delivered in Court at **Nakuru** this **2nd May, 2013** at 11.45 a.m. in presence of the Claimant and her Advocate, Ms. Koina.

BYRAM ONGAYA
JUDGE