

REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA AT NAKURU

CAUSE NO. 248 OF 2013

JIMMY CHERUIYOT KIMETO.....CLAIMANT

-VERSUS-

MODERN SECURITY HOLDINGS LIMITED.....RESPONDENT

(BEFORE HON. JUSTICE BYRAM ONGAYA ON FRIDAY 20TH DECEMBER, 2013)

JUDGMENT

The Claimant is **Jimmy Cheruiyot Kimeto** and the respondent is **Modern Security Holdings Limited**. The claimant filed the memorandum of claim on 08.08.2013. The claimant prayed for Kshs.260,528.60 as set out in the memorandum of claim and on account of pay in lieu of termination notice; pay for leave due and not taken; pay for underpayment and unpaid house allowance; due and unpaid wages; 3 months compensation for unfair termination; pay for 8 public holidays worked and not paid; and costs.

The respondent was served with the summons but did not enter appearance or file a memorandum of defence.

The claimant opted to rely on the documents on record.

The court has considered the memorandum of claim; the claimant's affidavit sworn on 8.08.2013; the verifying affidavit; and the documents filed and find that the claimant has established his case against the respondent on a balance of probability. Further, in absence of a memorandum of response, the respondent is deemed to have admitted all the claims made in the memorandum of claim. The court further finds that the claimant is entitled to the costs of the case fixed at **Kshs.20,000.00**.

Accordingly, judgment is entered for the claimant against the respondent for the respondent to pay the claimant **Kshs.280,528.60** plus interest at court rates from the date of the judgment till full payment.

Signed, dated and delivered in court at **Nakuru** this **Friday, 20th December, 2013**.

BYRAM ONGAYA

JUDGE