



**REPUBLIC OF KENYA**

**Industrial Court of Kenya**

**Cause 867 of 2011**

**ANNA AWINJA .....APPLICANT/CLAIMANT**

**VS**

**RASHID ALI ..... 1<sup>ST</sup> RESPONDENT**

**ZAHRA ALI RASHID ..... 2<sup>ND</sup> RESPONDENT**

**JUDGMENT**

The Claimant herein Anna Awinja filed her claim against the Respondents Rashid Ali and Zahra Ali on 6<sup>th</sup> June 2011. The issue in dispute is unfair termination of the claimant by the Respondents.

The claimant contends that she was employed by the Respondents as a house-help at their residence at High Ridge Nairobi at a basic salary of 9000/= per month from 6<sup>th</sup> April 2010. She stated that on 1<sup>st</sup> June 2011 when her services were unlawfully terminated by the Respondents. She avers that she served the Respondents with loyalty and diligence but was denied annual leave, housing allowance, and weekday overtime as envisaged in law. She seeks order for payment of 3 months' salary in lieu of notice, severance pay of 15 days per completed year, annual leave of 9000/= plus travelling allowance at 3000/= which totals to 12000/=. She also seeks payment of house allowance and overtime pay.

When the Respondents were served with summons, they entered appearance in the matter on 20<sup>th</sup> June 2011. They also filed a Reply to the claim and a counter claim seeking payment of 6161.29/= as particularized in their reply. This case was scheduled for hearing on 31<sup>st</sup> October, 2012. On this day the Respondents who had been served, failed to attend court. The case therefore proceeded for hearing in the absence of the Respondents.

Having heard the claimant, I find that she gave evidence and it is to the effect that she worked for the Respondents. The Respondents admitted that they had employed her as claimed. The Respondents admit that her salary was 9000/= per month. The circumstances under which the claimant left employment of the Respondents is not clear.

I find that claimant has established her case. The evidence adduced by clamant is unchallenged.

I find for the claimant and enter judgment against Respondents as follows:

1. 1 month salary in lieu of notice - Ksh.9000/=

2. 15 days severance pay for the one  
completed year of service - Ksh.4500/=
3. 21 days leave for the completed year - Ksh.6300/=
4. The salary of claimant was 9000/=. As she was not given house allowance nor living quarters. I also award her 15% of 9000/= as house allowance for 1 year worked
- = 12 x 1340  
= 16,080/=

5. Overtime pay is not approved.

**TOTAL AWARDED = Ksh.35,880/= plus costs of this cause.**

Dated, signed and delivered this 20<sup>th</sup> day of November, 2012.

**HELLEN WASILWA**

**JUDGE**

**Appearances:**

Claimant in person

Mohamed Madhani & Company Advocates for Respondent

Rachel Gichuki

Court Clerk