



REPUBLIC OF KENYA

Industrial Court of Kenya

Cause 712 of 2010

SAMUEL OMUSULA OPINDI CLAIMANT

VERSUS

DODHIA PACKAGING LTDRESPONDENT

JUDGMENT

This is the judgment in the case of Samuel Omusula Opindi, the claimant, against Dodhia Packaging Ltd, the Respondent. The claimant acting in person filed the memorandum of claim on 21st June, 2010 and filed an amended memorandum of claim on 29th October, 2010. The claimant was represented by Gitonga, Kinyanjui & Company Advocates.

The Respondent’s memorandum of reply was filed on 15th July, 2010 through J.A. Guserwa & Company Advocates. The Respondent’s amended memorandum of reply was filed on 15th April, 2011.

The cause came up for hearing on 26th October, 2011 and on 3rd April, 2012. The claimant gave evidence to support his case. The Respondent’s Human Resource Manager onE Joyce Kariuki gave evidence to support the Respondent’s case. The claimant during cross-examination stated that he was sacked because the contract he had signed ended on 2nd January, 2010. He further stated that the contract having ended as agreed, he was nevertheless asking for twelve months compensation. During the re-examination, the claimant testified as to signing of the full and final payment of his dues by the Respondent. He stated that he was not forced by anyone to sign and further stated that he had no other claims against the Respondent. The discharge signed on 2nd April, 2008 stated as follows:

“APRIL 2, 2008
FULL AND FINAL PAYMENT OF MY DUES FROM DPL

I SAMUEL OPINDI (ID NO.20510769) confirm that I have received Ksh.45193 (Amount in words, Forty Five Thousand one Hundred and Ninety Three shillings only) being the full and final settlement of my dues from Dodhia Packaging Limited.

I further confirm that I have no other claims whatsoever against the company and I accept this payment as my full and final settlement of my dues.

Signature: SIGNED ID. No.20510760 Date: 2.04.08

WITNESSES

Signature: SIGNED ID. NO. 11035350 Date: 02.04.08

Signature: SIGNED ID. NO. 22738148 Date: 02.04.08

Signature: _____ ID. NO. _____ Date: _____

Amount Date"

The Respondent's witness confirmed that the claimant was paid all his dues.

The court has considered the pleadings, the evidence and the submissions by both parties and finds that:

- (a) the claimant's was a fixed term contract of six months and the termination was due to lapsing of the agreed term of six months; and
- (b) the claimant signed the discharge voucher voluntarily thereby freeing the respondent from any further liability and parties are bound by that agreement which was voluntary; and
- (c) the claimant is not entitled to the prayers as made in his pleadings.

Accordingly, the claimant's case is dismissed with costs.

Signed, dated and delivered in court at Nairobi this 9th day of November, 2012.

**BYRAM ONGAYA
JUDGE**