



**REPUBLIC OF KENYA**

**Industrial Court of Kenya**

**Cause 677 of 2011**

**JOHN OGEMBO OMBOGO .....CLAIMANT**

**VERSUS**

**PAYLESS CAR HIRE AND TOURS LIMITED.....RESPONDENT**

**JUDGEMENT**

This is a simple case where the claimant was employed on 18<sup>th</sup> August 2009 and terminated on 30<sup>th</sup> September 2009. He had worked for approximately 1.5 months. The employer did not give him notice. He claims 1 months salary and notice totaling Shs.20,000/=. He also claims compensation of 12 months salary, a total of Shs.120,000. He admits having been paid Shs.5,000/= the month he left. He is therefore entitled to a further Shs.5,000/= as his salary per month was Shs.10,000/=.

Having heard the claimant and the Respondents advocate, having considered the evidence in the pleadings and the testimony of the claimant, and also having considered the offer by the Respondent to pay the claimant Shs.20,000/= as claimed, I find that the offer is reasonable as it is more than what the claimant is entitled to. The claimant worked for less than 2 months, part of which he was undergoing training. The length of service is too short to entitle him to compensation.

I therefore order that the Respondent pays the Claimant Kshs.20,000/= as already offered by the Respondent. The same to be paid to the Claimant in full and final settlement of his claim within 7 days from today.

Respondent to file proof of payment in Court.

Orders accordingly.

**DATED AND DELIVERED IN NAIROI THIS 1<sup>ST</sup> DAY OF NOVEMBER 2012.**

**HON. LADY JUSTICE MAUREEN ONYANGO**

**JUDGE.**

For Claimant \_\_\_\_\_

For Respondent \_\_\_\_\_