



REPUBLIC OF KENYA

Industrial Court of Kenya

Cause 481 of 2010

KENYA HOTELS AND ALLIED WORKERS UNION.....CLAIMANT

-VERSUS-

THE MANAGEMENT OF MADA HOTELS.....RESPONDENT

AWARD

The case herein was heard by Hon. Justice Charles P. Chemmutut (as he then was) on 19th July 2010 and award reserved to be on notice. The Judge retired before preparing the award and the case was handed over to me for the purpose of preparing the same.

The parties were invited for mention on 6th December 2012 when only the Claimant was represented. Mr. Makale on behalf of the Claimant had no objection to the award being prepared by me.

I have read the proceedings and the record. The case was filed by the Claimant union on 30th April 2010. The parties were called for mention for directions on 19th May 2010 when both the Claimant and Respondent were present in Court. The Court gave directions that the Respondent files its reply statement on or before 21st June 2010 and case was by consent fixed for hearing on 19th July 2010.

The Respondent did not file its reply statement as directed or at all. On the hearing date only the Claimant was present and the case proceeded in the absence of the Respondent. The claim is that the Respondent declared Purity Ngari, a Housekeeper, redundant and failed to pay her terminal dues’.

The Claimant submitted that Purity Ngari was employed on 1st June 2006 as a housekeeper. Her last salary was shs.6,000/= with a house allowance of Shs.900/=. The grievant never took any annual leave for the period she was in employment. She was terminated by letter dated 22nd February 2008 titled “**RE: ONE MONTH NOTICE**”. The union has tabulated the Grievants terminal dues as follows:-

- | | | | |
|----|---|---|--------------------------------|
| 1. | <i>One month pay in lieu of notice</i> | - | <i>Kshs.6,900/=</i> |
| 2. | <i>Salaries for March, April and May 2008 = 6900x3=</i> | | <i>Kshs.20,700/=</i> |
| 3. | <i>Severance pay at 15 days x 2 years i.e. 30 days</i> | | <i>Kshs.6,900/=</i> |
| 4. | <i>Pending Annual Leave</i> | - | <i>Kshs.13,800/=</i> |
| 5. | <i>Overtime</i> | - | <i><u>Kshs.47,923.20/=</u></i> |

TOTAL: - **Kshs.96,223.20**

The Claimant submitted that they reported a dispute to the Minister for Labour but the respondent failed to attend conciliation meetings forcing them to file the claim in Court.

Since the Respondent did not file a reply to the Statement of Claim or attend Court for hearing, I will presume that it has no defence to the claim.

I therefore award Shs.96,223.20 as prayed in the Memorandum of Claim.

Orders accordingly

Read in open Court and signed on this 27th day of February, 2013.

HON. LADY JUSTICE MAUREEN ONYANGO

JUDGE.

In the Presence of:-

Mr. Makale for

_____ Claimant

No appearance for the

_____ Respondent