Security Guard Witness Statement on Date of Birth Retirement Notice and Terminal Payment

Educational sample 227 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE CHIEF MAGISTRATES COURT AT MOMBASA

CM EMPLOYMENT AND LABOUR RELATIONS CASE NO [reference]

[CLAIMANT] v [RESPONDENT]

WITNESS STATEMENT

1. I am [guard identity]. I worked for [employer] from [actual commencement] to [actual end] as a night security guard. My evidence concerns my age records, the retirement notice, the work I was ready to perform and the terminal money I received.

2. My date of birth is [true date]. I identify [birth certificate or other admitted record] and explain any discrepancy with the employer record. I do not change a date of birth to fit a retirement claim. On the source chronology the fifty-fifth birthday fell after the stated December 2020 termination date.

3. The retirement notice reached me on [date and method]. Its effective date was [date], and I was told [actual explanation]. I identify the original or genuine copy. If the notice and a later judgment summary use different issue dates, I rely on the notice itself and disclose the discrepancy.

4. Before the effective date I was [actual working and health position] and was willing to continue until [contractual retirement date]. The contract or policy given to me was [identify or state none received]. My account of willingness is separate from a legal assertion about a mandatory retirement age.

5. The terminal payment I received was KSh 204,942 on the source facts. The payment date, bank or acknowledgement evidence and components explained to me are [records]. I acknowledge the receipt even though I dispute whether it fully satisfied the lawful entitlement.

6. My wage components and any specific overtime or public-holiday work relied upon are [genuine records and personal recollection]. Where I cannot identify the date or hours, I say so. I will not support a twenty-four-year total by inventing rosters or treating every scheduled shift as unpaid overtime.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

Use the witness own truthful account, distinguish observed events from named information sources and identify bundle pages and authenticating witnesses. Follow the actual trial or succession witness directions. Additional evidence and statements require any applicable leave. An appeal ordinarily uses the admitted trial record; a new statement cannot be inserted without the proper procedure. Verify the ELRC Procedure Rules 2024 and 2025 amendments, or the applicable designated subordinate-court procedure, and current directions. Assess section 90 for each employment claim.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A night guard worked from March 1997 until December 2020. He said a retirement notice ended service roughly six months before his fifty-fifth birthday. The private employer invoked retirement policy but produced no defining contract or policy, and did not contest the actual birth date. The guard admitted receipt of KSh 204,942. Claims for decades of overtime and public holidays lacked particulars.

The ELRC upheld relief for early retirement but recalculated gratuity for 23 full years at the stated KSh 15,142 wage base, giving KSh 174,133. The operative paragraph records six-month compensation of KSh 154,244.60 and requires both heads to be reduced by the KSh 204,942 already received. Earlier passages state KSh 154,224.60, an internal figure discrepancy that must be checked against the authenticated decree. Overtime and holiday claims were declined. Each party bore its appeal costs.

Public-sector retirement provisions do not automatically define a private employee retirement age. Establish the contract, applicable policy or industry wage order and actual birth date. The judgment applied protective-security gratuity of fifteen days pay per full year, not an unproved 24 years. It distinguished a particularised timely work-hours claim from exaggerated historic totals. Section 90 limitation must be assessed against the actual accrual and cessation dates.

[2025] KEELRC 2683 (KLR) - 2 October 2025. Source decision: https://new.kenyalaw.org/akn/ke/judgment/keelrc/2025/2683/eng%402025-10-02

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/sga-security-solutions-ltd-v-kasanya-2025-keelrc-2683-klr.pdf

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.