Employment Appeal Relief Schedule Separating Compensation Notice and Rejected Leave Pay

Educational sample 400 | 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 EMPLOYMENT AND LABOUR RELATIONS COURT AT MOMBASA

EMPLOYMENT APPEAL NO [reference]

[APPELLANT] v [RESPONDENT]

EVIDENCE OR COMPUTATION SCHEDULE

1. This schedule records pleaded relief, supporting record material and the operative appellate disposition. It does not create new evidence or an entitlement from arithmetic alone. Enter the genuine pay basis, judgment dates, admitted record pages and any payments or subsequent variation.

2. COMPENSATION: in the source, five months gross pay at KES 10,000 gives KES 50,000. Record the factors supporting the Court discretionary period. The twelve-month amount sought was not the award and must not be added as another recoverable head.

3. NOTICE: one month at the source KES 10,000 gives KES 10,000. Identify the actual notice obligation, absence of notice or payment and any credit. The combined source compensation and notice award was KES 60,000 before separately ordered interest and costs.

4. LEAVE: record the KES 72,000 claim as rejected for missing factual foundation. An asserted employment duration does not prove untaken leave days. If preparing another genuine claim, give accrued entitlement, dates taken, carry-forward basis, payments and limitation separately.

5. INTEREST AND COSTS: the source awarded interest from the lower-court judgment date and costs of the suit. Insert the actual authorised rate and dates from the certified orders. Do not infer an extra appeal-cost award or capitalise costs into principal without an applicable order.

6. CREDITS AND STATUS: list genuine payments and the remaining reconciled balance at [date]. Distinguish trial pleadings from appellate findings and mark missing documents expressly. Use the completed schedule only through the actual evidence, service and court-directions process.

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

This is an evidential or accounting aid, not an originating process or independent proof. Give dates, authors or custodians, admissibility status, actual document pages and transparent calculations. Label missing and disputed items. Obtain the applicable leave or directions for supplementary evidence, serve it and prevent duplicate credits or recovery. 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 housekeeper alleged employment from 2012, monthly pay of KES 10,000 and verbal dismissal in March 2021. The employer alleged voluntary departure and poor performance following transfer to another worksite. The trial court dismissed the case and treated the worksite as another employer and the work as piece-rate.

The ELRC allowed the appeal, found continuing indefinite employment and unfair dismissal, and awarded KES 50,000 compensation and KES 10,000 notice pay. The KES 72,000 leave claim failed for lack of factual basis. Interest ran from the lower-court judgment and costs of the suit were awarded.

Check Employment Act sections 36, 41, 43, 45, 47(5), 49 and 90, applicable designated-magistrate procedure and ELRC appeal rules. A worksite transfer is not proof of a change of legal employer. Separate independent accrued-entitlement claims from compensation for unfair termination; nine years asserted service does not by itself prove nine years unpaid leave.

[2025] KEELRC 2477 (KLR) - 18 September 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/magongo-v-sherman-2025-keelrc-2477-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/magongo-v-sherman-2025-keelrc-2477-klr

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.