Statement of Claim Seeking a Correct Certificate of Service

Educational sample 161 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the 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 NAIROBI

CAUSE CIVIL SUIT OR APPLICATION NO [correct reference]

[CLAIMANT PLAINTIFF OR APPELLANT] v [RESPONDENT OR DEFENDANT]

STATEMENT OF CLAIM

1. The Claimant was engaged by [company] as Human Resource Manager under the appointment letter [date and pages]. The managing director [name] issued the termination letter. Parties' addresses, contacts and the factual basis for naming each respondent are [complete separately].

2. The Respondents supplied a certificate following termination, but it did not accurately state the nature and usual place of employment. The appointment letter and certificate are identified in the bundle. The disputed entries are [quote accurately and state the requested correction].

3. The Claimant seeks a certificate compliant with section 51 of the Employment Act, recording the true employment dates, role and usual place. This is not a demand for a favourable testimonial or a statement that every alleged employment claim succeeded.

4. The underlying termination and any pending claim, discharge or payments are disclosed at [details]. This certificate relief should be included in the existing employment dispute where appropriate. The venue and limitation basis must be completed before instituting proceedings.

5. The Claimant asks for an order directing issue of the corrected certificate within [period fixed by the Court], costs and further lawful directions. No correction of an entry is sought unless supported by the employment records; no second recovery of previously paid terminal dues is requested.

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

Use and evidence notes

Complete identities, service contacts, employment dates, jurisdiction, earlier proceedings and each remedy. ELRC rule 7 requires the verifying affidavit, witness list and statements, and chronologically arranged flagged and paginated documents. Rule 9 governs signature for an ordinary employment claim. Assess section 90 limitation for each head. These historic dates do not authorize a fresh out-of-time claim or reopening a decided dispute. Applicable rules: ELRC Procedure Rules 2024, amended by Legal Notice 78 of 2025; verify current court directions.

Supporting material schedule: [document date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach only genuine available records and mark missing records accurately.

Source and procedural limits

A human resource manager was appointed in April 2019 at KSh 120,000 monthly. In March 2020 the managing director terminated employment immediately, saying reduced staff made the role unwarranted. The parties disputed qualifications, business contraction and tribal discrimination. A discharge summary and payments were acknowledged. The certificate omitted the nature and usual place of employment. The employer admitted not notifying the labour officer.

The Court found procedural unfairness under section 40 and awarded two months, KSh 240,000, subject to statutory deductions, costs and interest from judgment against both respondents jointly and severally. It directed a proper certificate under section 51 showing job title and workstation. The tribal discrimination declaration failed for insufficient evidence. Alleged constructive dismissal did not remove the need to analyse the actual redundancy.

Employment Act sections 40, 45, 49 and 51 distinguish redundancy process, compensation and certificate contents. A service certificate is different from a recommendation. A managing director’s personal liability is not automatic: the source order against two respondents must not be generalized. Disclose any discharge and actual payments, the real employment relationship, and section 90 limitation.

[2026] KEELRC 1161 (KLR) — 30 April 2026. Original judgment: https://sheriahub.com/cases/ke/caselaw/irungu-v-tonde-another-2026-keelrc-1161-klr

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.