Statement of Claim by an Operations Director with Separate Shareholder Status

Educational sample 172 | 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 [employee] served as Operations Director of [company] and separately held corporate office and shares. Service contacts are [fields]. Payroll, tax and employment communications establish the contract of service; corporate records are identified separately.

2. The Claimant was dismissed after allegations connected to withdrawal of a personal loan guarantee and alleged insubordination. The guarantee was signed in his director and shareholder capacity. The Respondent must prove how the particular conduct justified termination of the separate employment.

3. The alleged board position and sabotage require the actual resolution, investigation and banking evidence. The Claimant disputes their proof. He also pleads short preparation deadlines, missing investigation material, inadequate consideration of his representations and a conflicted appeal.

4. The claim relies on sections 41, 43, 45, 47(5) and 49 of the Employment Act. Corporate proceedings concerning directorship are disclosed [case numbers and issues], without seeking corporate-office relief through this employment claim. Venue, accrual and limitation are [complete].

5. The Claimant seeks an unfair-termination declaration, proved statutory compensation and costs. Final gross salary must be established from contemporaneous payroll. Allowances, bonus, leave and punitive damages are not asserted as automatic entitlements and require their own pleaded supporting basis.

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

An Operations Director was also a corporate director and shareholder. He withdrew a personal bank guarantee in the corporate capacity; the employer alleged sabotage and insubordination. Short response and hearing deadlines, missing investigation material and a conflicted appeal were disputed. Employment records, payroll and corporate records showed distinct capacities. The loan was disbursed. The reported text contains inconsistent filing and dismissal dates, which must be checked against the originals.

The Court found the dismissal substantively and procedurally unfair. It awarded five months of gross salary calculated using the average of January, February and March 2021, subject to statutory deductions, and costs. It refused unproved unpaid salary, fuel and telephone allowances, eight-year bonus, unspecified leave and punitive damages. The claimed computation figure was not proved; historical payslips did not establish the final salary.

Employment Act sections 41, 43, 45, 47(5) and 49 govern termination; corporate office and employment must be proved separately. A disciplinary paper trail is insufficient if preparation time, evidence access and hearing are ineffective. Do not assume all director disputes belong in ELRC, add a new accusation without notice, or adopt unproved salary. Current filing procedure and section 90 limitation remain separate questions.

[2026] KEELRC 783 (KLR) — 18 March 2026. Original judgment: https://sheriahub.com/cases/ke/caselaw/rao-v-shreeji-chemicals-limited-2026-keelrc-783-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.