Bank Response Alleging Failure to Meet Deposit Collection Targets

Educational sample 159 | 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 RESPONSE

1. The Respondent admits employment, the identified role changes and the termination letter. It disputes that the changes were rewards for exemplary performance and responds to the claim’s numbered allegations [references]. Contract and HR policy terms relied on are [identify].

2. The historical defence alleges discussions on 10 and 24 March, a deposit collection shortfall and requests for regular reports and further reviews. The Respondent identifies the actual emails and minutes relied on. It cannot assert that minutes record requirements they do not contain.

3. The Claimant’s partial achievement does not itself establish the bank’s expected performance. The Respondent must specify which role carried the target, the applicable period, the written duties communicated and the scorecard. These are matters for proof, not blanket denial.

4. The Respondent disputes the twenty-five-year future earnings claim and severance entitlement on a non-redundancy dismissal. It seeks consideration of the statutory compensation factors and any established payment credits. It identifies any valid limitation or jurisdiction issue precisely.

5. The Respondent historically sought dismissal with costs. That defence failed: the Court found no valid proved reason and no section 41 hearing. A new response must be evidence based and must not represent review discussions as a hearing without the required features.

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

Answer the claim by numbered admission or denial and state the actual factual and legal grounds. Under ELRC rule 29, check the twenty-eight-day response period from service, any shorter urgent direction, and the accompanying witness and documentary evidence under rule 35. A historical defence marked unsuccessful is not approved advice. New affirmative relief or counterclaims require proper pleading. 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 bank employee moved through several roles after an initial 2013 appointment. A January 2017 letter changed his role effective 6 February. Performance was reviewed on 10 and 24 March and employment ended in April for continued underperformance. The bank did not produce updated job descriptions, key performance indicators or an actual scorecard. Its HR witness acknowledged no show-cause letter or disciplinary hearing. The exit salary was KSh 145,000.

The Court found both substantive and procedural unfairness and awarded nine months of salary, KSh 1,305,000, subject to PAYE, with costs and interest from judgment. Severance was refused because dismissal was not redundancy. KSh 43.5 million for twenty-five future years was refused. The reported reproduction carries a DRAFT watermark but includes dated final orders and online delivery; obtain a signed court copy before procedural reliance.

Employment Act section 10 requires written employment particulars and revision when they change; sections 41, 43 and 45 govern fair termination. A review meeting is not automatically a section 41 hearing. Sections 49 and 90 govern remedies and limitation. This historical claim cannot be revived by copying a sample. Use the ELRC Procedure Rules as amended in 2025 and authenticate the final judgment.

[2026] KEELRC 938 (KLR) — 17 April 2026. Original judgment: https://sheriahub.com/cases/ke/caselaw/kiriga-v-family-bank-limited-2026-keelrc-938-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.