Submissions on the Compensation Limit and Inapplicable Severance Pay

Educational sample 160 | 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]

WRITTEN SUBMISSIONS

1. Section 49 relief follows a finding of unfair termination but does not automatically replace every expected future salary. The Claimant’s contract did not establish a guaranteed twenty-five-year term. The historical KSh 43.5 million prayer was therefore refused.

2. The pleaded dismissal reason was poor performance, not redundancy. Severance under section 40 is linked to redundancy and was not available simply because the employment ended unfairly. Other contractual benefits require their own pleaded and proved basis.

3. The Court awarded nine months using the proved salary: KSh 145,000 multiplied by 9 equals KSh 1,305,000. The abrupt dismissal without a hearing informed the assessment. That calculation records this result and is not a universal multiplier.

4. The award was subject to PAYE under section 49(2), with court-rate interest from judgment until full payment and costs. Any preparation of the decree must reproduce those heads and avoid adding future salary or severance refused by the Court.

5. The party seeks a reasoned award confined to lawful remedies and the proved employment record. Compensation, tax deductions, costs and interest should remain separate in the schedule. A signed court judgment must be obtained before relying on the reported watermark-bearing copy.

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

Identify the issue, pleaded position, admitted evidence and bundle pages. Submissions do not introduce new facts or exhibits. Follow current directions on filing, length, authorities and service. Distinguish a requested amount from the actual award, a losing historical argument from the holding and a liability finding from proof of every damages head. 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.