

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
NAIROBI
CAUSE NO. OF 2022

THEOPHILUS KIPLIMO..... CLAIMANT
VERSUS
KENYA REVENUE AUTHORITY 1ST RESPONDENT
ATTORNEY GENERAL 2ND RESPONDENT

THE CLAIMANT'S STATEMENT OF CLAIM

ISSUES IN DISPUTE

- I. Unfair, unlawful and wrongful termination of employment.
- II. Failing to accord the claimant opportunity to defend himself and opportunity to avail himself with a witness of his choice prior to termination.
- III. Failing to explain to the claimant reasons for termination.
- IV. Failing to observe procedural fairness while executing termination rendering the termination unfair and unlawful and procedural.
- V. Failing to pay dues legally in favor of the claimant upon termination.

EVIDENCE

The claimant will rely on oral & documentary evidence to support his claim.

INTRODUCTION

1. The claimant is a male adult residing in Nairobi, Republic of Kenya and his address for service for purpose of this suit is care of **Orwa Seda& Co. Advocates, Luthuli House, 1st Floor, Room A21, P.O Box 26007-00504 - Nairobi.**

2. The 1st Respondent is a **Kenya Revenue Authority** in Republic of Kenya and is sued in official capacity under the Government Proceedings Act. (*Service of summons to be effected through the plaintiff advocates*).
3. The 2nd Respondent is the Attorney General of the Republic of Kenya sued in his official capacity under the Government Proceedings Act vicariously as the Chief Legal Advisor to the 1st Respondent and as the sole originator of Public Prosecution in the Republic and his summons of services for the purposes of this suit is P.o box 40112-00100 Nairobi. (*Service of summons to be effected through the plaintiff advocates*).

4. There is no case pending and there has been no previous proceeding in any court between the claimant and the Respondent herein over the same subject matter.

FACTS OF THE CLAIM

5. The claimant was employed first to serve on probation term of service with effect from **18TH March, 2019**, which the claimant successfully completed and subsequent confirmation, and that the claimant vide a letter dated **1st January 2022**, the Respondent employed the services of the claimant as Customs and Border Control Department Officer wherein the claimant was paid a gross salary of **Kshs.117,000/= per month**. **Annexed herein and marked TK 1 is a copy of the pay slip together with appointment letter**.

6. The Claimant commenced the employment as aforesaid and served the Respondent with diligence and utmost loyalty until when his services were unfairly terminated by the Respondent without good reasons. **{Annexed herein and marked TK 2 is a copy of complaining letter}**.

7. STATEMENT OF CLAIM

- a) The Grievant /Claimants' observed terms and conditions of employment at the time of employment.

- b) The Claimant terms of employment obligation and / or duties were basically as Customs and Border Control Department Officer.
 - c) The Claimant without being given any prior warning and/or any accusation against him and without being provided with reasons and without being given a chance to be heard was unilaterally removed from his employment. **{Annexed herein and marked TK 3 are a copies of Performance contracting}.**
 - d) The respondent laid claims that the claimant failed to report to his work yet it was well in the knowledge of the respondent that the claimant was ill. **{Annexed herein and marked TK 5 is a copy medical report}.**
 - e) The Claimant several attempts thereafter to regain access to his place of employment and/or to have audience with the Respondent management have been denied and thwarted by Respondent.
 - f) The Respondent conduct has left no doubt that the Claimant services have been terminated when he is ready and willing to lawfully discharge his duties.
 - g) The Claimant was never given the opportunity to defend himself or appear himself and or appear before anybody to give his fashion of the story within the Respondent Company's Authority.
- 8. The issues in dispute are unlawful dismissal termination of employment, refusal to pay dues and failure to issue certificate of service.

9. The Claimant dismissal and/or termination of employment was therefore illegal, nail, void, unconstitutional an effort to the principles of natural justice and is therefore entitled to the following;

I.	Three month's salary in lieu of notice	= Kshs. 351,000.00
II.	Service pay (117/30 x15 x3)	= Kshs. 175,500.00
III.	Annual Leave pay (117/ 30 x 21 x 3)	= Kshs. 245,700.00
IV.	Unpaid salary (117,000.00 x 6 months)	=Kshs. 702,000.00
TOTAL		= Kshs. 1,474,200.00

The Claimant's claim against the Respondent is for **Kshs. 1,474,200.00**

10. Demand has been made and notice of intention to sue given but the Respondent has refused to pay the same. {Annexed herein and marked **MHJ6** is a copy of the demand letter}.

11. There have not been any document disciplinary meetings, warnings of gross misconducts or any related allegations during the period of employment of the claimant, thus the termination was in violation of several **Sections of Employment Act 2017**.

SUBMISSIONS

Your Lordship, the Claimant humbly submits that; -

- a. The Claimant has served diligently, obediently and faithfully and the Respondent unlawfully, illegally and contrary to the rules of justice terminated his employment.
- b. The Respondent has breached the contract agreement, constitution and the Labour Laws of Kenya by informing the Claimant absolute fare claimant rights as provided in the said constitution.

- c. The Act of terminating services and /or employment of the Claimant without any notice and/or compensation and/or severance pay was an effort to justice and compensation should be awarded.
- d. The termination of the claimant services was unfair, unlawful within the meaning of **Sections 45 Of Employment Act 2007** in so far, the procedure followed was unfair.
- e. The respondent has committed several offences by not complying with several **Sections of Employment Act, No.11 Of 2007**.
- f. This Honourable court has the requisite jurisdiction to hear and determine this dispute in favor of the claimant.
- g. The matter herein before this Honourable court is lodged within the meaning of the **Mandatory Provision of Section 87 Of the Employment Act, No.11 Of 2007 And Section 12(2) Of the Industrial Court Act, No .20 Of 2011, Law of Kenya.**
- h. The claimant herein avers that he did not voluntary leave his employment, but was the respondent herein who wrongfully, illegally and unfairly dismissed their employment services without reasons and for recourse to Labour laws and therefore prays that the Honourable court to grant the general damages would be expected as employment and compensation for unfair dismissal.
- i. The claimant herein this matter contends that since his termination and or wrongful dismissal from employment was procedural, premature, and finally faulty, the said dismissal of his employment services is therefore wrong, unfair, illegal and without proper recourse to any Labour standards and laws in force and hence is null and void.
- j. There is no previous proceedings or other suit pending as between the parties herein respecting the same subject matter.

12. PRAYER:-
It is the Grievant /Claimant's humble prayer that this Honourable Court do ORDER and AWARD.

- 1) A declaration that the termination and/or dismissal of the Grievant from employment was unlawful and illegal.
- 2) Terminal dues and statutory compensation to the totaling of Kshs. **1,474,200.00**
- 3) Interest of 2 above from the date of employment until payment in full.
- 4) An order that the Respondent do forth with issue the Grievant with a certificate of services.
- 5) The reinstatement of the claimant back to work.
- 6) Any other statutory entitlement.
- 7) any other general damages legally due to the claimant.

8) Costs of this case.

DATED at Nairobi this **22nd** day of **September, 2022**

Orwa Seda & Company
Advocates For the Claimant

Drawn & filed by:-

Orwa Seda & Co. Advocates
Luthuli House, 1st Floor, Suite A21
P.O Box 26007-00504

Nairobi

TO BE SERVED UPON

1. The Commissioner, Corporate Support Service
Kenya Revenue Authority
P.O Box 48240-00100
Nairobi
2. The Honourable Attorney General
State Law Office, Harambee Avenue
P.o Box 40112-00100
Nairobi

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
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THEOPHILUS KIPLIMO CLAIMANT
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KENYA REVENUE AUTHORITY 1ST RESPONDENT
ATTORNEY GENERAL 2ND RESPONDENT

VERIFYING AFFIDAVIT

I THEOPHILUS KIPLIMO care of Post Office Box Number 15143-00400 Nairobi within the Republic of Kenya do hereby make oath and states as follows: -

1. That I am the claimant herein and duly conversant with the facts of this case hence competent to swear this affidavit.
2. That I have read and understood the contents of the memorandum of claim filed herewith and aver that the same are true and correct.
3. That I aver that there is no other suit pending and previous proceeding in this or any other court between the claimant and the respondent over the same subject matter.
4. That what is deponed to herein is true to the best of my knowledge, information and belief save for information whose source (s) and ground(s) thereof have been disclosed.

Sworn by the said

THEOPHILUS KIPLIMO

).....
Kiplimo

At Nairobi

This 22nd day of September, 2022)

BEFORE ME)



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT

NAIROBI

CAUSE NO. OF 2022

THEOPHILUS KIPLIMO CLAIMANT

VERSUS

KENYA REVENUE AUTHORITY 1ST RESPONDENT

ATTORNEY GENERAL 2ND RESPONDENT

PLAINTIFF'S LIST OF WITNESSES

1. THEOPHILUS KIPLIMO.

22nd

DATED at Nairobi this

day of September 2022

Orwa Seda & Company
Advocates For the Claimant

Drawn & filed by:-

Orwa Seda & Co. Advocates

Luthuli House, 1st Floor, Suite A21

P.O Box 26697-00504

Nairobi

TO BE SERVED UPON

1. The Commissioner, Corporate Support Service

Kenya Revenue Authority

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REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
NAIROBI

CAUSE NO. OF 2022

THEOPHILUS KIPLIMO..... CLAIMANT

VERSUS

KENYA REVENUE AUTHORITY 1ST RESPONDENT

ATTORNEY GENERAL 2ND RESPONDENT

CLAIMANT'S WITNESS STATEMENT

The claimant was employed first to serve on probation term of service with effect from **18TH March, 2019**, which the claimant successfully completed and subsequent confirmation, and that the claimant vide a letter dated **1st January,2022**, the Respondent employed the services of the claimant as Customs and Border Control Department Officer wherein the claimant was paid a gross salary of **Kshs.117,000/=** per month.

The Claimant commenced the employment as aforesaid and served the Respondent with diligence and utmost loyalty until when his services were unfairly terminated by the Respondent before the lapse of the contract.

Dated at Nairobi this **22nd** day of **September**, 2022

Signed by **THEOPHILUS KIPLIMO** *Kiplimo*

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
NAIROBI
CAUSE NO. OF 2022 CLAIMANT
THEOPHILUS KIPLIMO VERSUS 1ST RESPONDENT
KENYA REVENUE AUTHORITY
ATTORNEY GENERAL 2ND RESPONDENT

PLAINTIFF'S LIST OF DOCUMENTS

- 1. Letter of appointment.
 - 2. pay slip.
 - 3. The hospital letter.
 - 4. Demand letter.
 - 5. Summery dismissal.
 - 6. Other documents to be signed.

23

DATED at Nairobi this 22 day of January 2022
Orwa Seda & Company
Advocates For the Claimant

Drawn & filed by:-

Orwa Seda & Co. Advocates
Luthuli House 1st Floor, Suite
P.O Box 26007-00504

NATIONAL TO BE SERVED UPON

1. The Commissioner, Corporate Supp
Kenya Revenue Authority
P. O Box 48240-00100
Nairobi
 2. The Honourable Attorney General
State Law Office, Harambee Avenue
P. o Box 40112-00100
Nairobi

Print run for: August 2019

Date: 09.09.2019 Page: 1

EMPLOYEE DETAILS

Name: Theophilus Kiplimo
 IN: A010496916T
 S: 30646269
 ISF: 2018970509
 IIF: 7363191

Personnel no: 124971
 Date of birth: 13.04.1992
 Entry date: 18.03.2019

RANK: National Bank of Kenya Li ACC.NO. 01286066863900

AMOUNTS

Consolidated Salary FC 68.000,00

ROSS TAX/GROSS SI -----

Total gross amount 68.000,00

DEDUCTIONS

IIF	1.300,00-
British American Insurance	5.000,00-
S. F	1.080,00-
ave	12.732,30-

This is Exhibit Marked.....TK1
 Referred to in the Annexed Affidavit/declaration

of.....
 Sworn/Declared Before me this 22nd day

of Sept. 2019 at Nairobi
 Commissioner for Oaths

Total Deductions 20.112,30-

Net Payment 47.887,70

INFORMATION

Total Taxable Amount	66.920,00
Contribution Benefit	1.080,00-
Personal Tax Relief	1.408,00
tax before pers. Relief	14.140,30
Basic Amount	13.600,00
British American Insura	5.000,00-



CONFIDENTIAL

ISO 9001:2015 CERTIFIED

P.No.12492

1st January 2022

Mr. Theophilus Kiplimo
Officer
Customs & Border Control Department

Dear Theophilus,

RE: LETTER OF APPOINTMENT

Following your successful probationary contract, The Kenya Revenue Authority offers you an appointment on permanent and pensionable terms as **Officer - Customs & Border Control Department** effective **1st January 2022**. This appointment is subject to your successful validation and acceptance of the following terms and conditions of service as contained in this letter together with the Authority's Code of Conduct.

1. Remuneration

Your remuneration package in Kshs will be as below:

Grade:**KRA 03 Step 1****Basic Salary:****Kshs.72,000.00****House Allowance:****Kshs.30,000.00****Transport Allowance:****Kshs.15,000.00****Gross Total:****Kshs.117,000.00**

The above gross salary is subject to statutory deductions. Payment will be made every month in arrears by bank transfer.

2. Other benefits

- a) **Pension:** You will become eligible to join the Authority's Pension Scheme effective 1st January 2022. This is a contributory scheme where employees contribute 7.5%, while the Authority contributes 14% of your basic salary less of NSSF Contribution. This scheme is governed by the Trust Deed and Rules as amended from time to time. Details of the Scheme can be obtained from the Human Resources Division. Enclosed find the pension enrolment form.

- b) **National Social Security Fund:** Your enrolment to the National Social Security Fund (NSSF) at the prescribed rate based on your

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salary will continue. It is mandatory to be a registered member of NSSF.

- c) **National Hospital Insurance Fund:** Your enrolment at the National Hospital Insurance Fund (NHIF) at the prescribed rate based on your salary will continue. It is mandatory to be a registered member of NHIF.
- d) **Medical Scheme:** Your cover together with your spouse and up to 4 of your declared children at the set limits based on your grade will continue. Details of the cover can be obtained from the Human Resource Division.
- e) **Group Personal Accident:** Your Group Personal Accident insurance cover during your employment period with the Authority will continue. Details of the cover can be obtained from Human Resource Division.
- f) **Leave:** Your entitlement to 30 pro-rated working days paid leave in a year excluding public holidays, which will be approved by your immediate supervisor will continue. However, in exceptional cases where leave is not granted due to work commitment a staff member will be allowed to carry forward not more than 15 days in a particular year. The days carried forward must be spent within the next 18 months or they will be forfeited.
- g) **Leave Allowance:** This is paid annually at the prescribed rates based on your grade. Details of the allowance can be obtained from Human Resource Division.

3. Working Hours

You will work eight (8) hours a day from 8.00 a.m. to 5.00 p.m. with a lunch break from 1.00 p.m. to 2.00 p.m.

4. Performance Management

Your performance against set objectives will be reviewed regularly by your immediate Supervisor and the same validated through Performance Management Division. Your continued employment will be subject to satisfactory performance.

5. Termination of Service/Notice Period

Termination of Employment may be done by either party giving three (3) months' notice in writing or payment in lieu of notice.

6. Disciplinary

All staff are bound by the Authority's Code of Conduct. A copy will be issued to you by the Human Resource Division.

KENYA REVENUE AUTHORITY

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7. **Conflict of Interest**

Except with written consent of the Management, you shall not, either directly or indirectly during your service, engage or be concerned in any other service or business or receive any reward, commission or profit by virtue of your office other than as provided for in this letter of appointment. You will be required to immediately disclose in writing to the Board management all interests in any ventures, contracts or arrangements which may conflict with the interests of the Authority or with the performance of your duties.

If you accept this appointment on the above terms, please sign and return a copy to the Authority within seven (7) days from the date of receipt. If no response is received from you within this period, the offer will automatically lapse.

Congratulations on your appointment and we wish you a rewarding and successful career at KRA.

Yours faithfully,



Patience Njau-Nyaga (Mrs)

Deputy Commissioner – Human Resources

I hereby accept/~~decline~~ the appointment. (Cross out the one inapplicable)

ID No: 30646269

Signature:

Date: 19/01/2022



KENYA REVENUE
AUTHORITY

ISO 9001:2015 CERTIFIED

STAFF PENSIONS SCHEME
DEFINED CONTRIBUTION SECTION

APPLICATION FOR MEMBERSHIP

The Trustees
Kenya Revenue Authority
Staff Pension Scheme
Halie Selassie Avenue
P.O Box 48240
00100 - NAIROBI

Sirs,

I hereby apply to be admitted to Membership of Kenya Revenue Authority Staff Pension Scheme Defined Contribution Section with effect from the date to be determined by the Trustees. In support of this application I attach a Member's Personal Details form and a Death Benefit Nomination of Beneficiary form, both duly completed.

I confirm that the salient details of the Trust Deed and Rules have been explained to me and I agree to be bound thereby in respect of my Membership.

I understand and accept my obligation to make contributions, which I am obliged to make and to pay those contributions to the Trustees.

Yours faithfully

Theophilus Kiplimo
.....191012522
(Full names of applicant)

.....191012522
(Date)



**STAFF PENSION SCHEME
DEFINED CONTRIBUTION SECTION
Application for Membership**

MEMBER'S PERSONAL DETAILS MEMBERSHIP NO.

SURNAME: KIPLANGAT

OTHER NAMES: THEOPHILUS

GENDER: Male / Female

MARITAL STATUS: Single / Married / Divorced / Widowed (Attach a copy of Marriage Certificate, if married)

DATE OF BIRTH: 13/04/1992

NATIONAL I.D. NO.: 30646269

(Attach copy of Birth Certificate and copy of National I.D. Card)

DATE JOINED SERVICE: 18/03/2019

DATE OF CONFIRMATION: 01/01/2022

DEPARTMENT: CUSTOMS STATION: JKIA

GRADE: DA 52

MONTHLY PENSIONABLE SALARY: 72,000

RESIDENTIAL ADDRESS: ENDERITI, NAIROBI

SPOUSE'S FULL NAME: N/A

SPOUSE'S DATE OF BIRTH: N/A

CHILDREN

FULL NAME	DATE OF BIRTH	SEX : M / F
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

(Attach a copy of the Birth Certificate for each child)



STATEMENT OF ACCURACY

I declare that the details given above are to the best of my knowledge and belief correct.

A handwritten signature of the applicant.

.....
Signature of Applicant

.....
Date

CONFIRMATION BY EMPLOYER

I confirm that the details given above do not differ from our employee records.

.....
Human Resources Pension Manager

.....
Date



KENYA REVENUE
AUTHORITY

INTERNAL

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DEFINED CONTRIBUTION SECTION
DEATH BENEFIT NOMINATION OF BENEFICIARY
TO : The Trustees, Kenya Revenue Authority Staff Pension Scheme

FROM : THEOPHILUS KIPLIMO (Member's full name)

.....12492..... (Employment number)

Full Name and Address	Relationship to Member	Proportion %
MOSES KIPLIMO CHERUKE	FATHER	50%
EMILY TURONGEL	MOTHER	50%
TOTAL		100%

DECLARATION

I nominate the person (s) named above to be my preferred beneficiaries to receive any lump sum benefits payable under the Rules of the Kenya Revenue Authority Staff Pension Scheme Defined Contribution Section in the event of my death.

I understand that the Trustees have complete discretion over the payment of the lump sum benefit and although the Trustees are prepared to consider my wishes, my nomination of a beneficiary is not binding on the Trustees.

This nomination cancels and replaces any previous nominations signed by me.

SIGNED:*Theophilus Kiplimo*.....DATE: 19/01/2022

Theophilus Kiplimo
P O Box 37-30706
Chebremut Elgeyo
Markwet
Tel: 0727318959
Date: 20/05/2022

Commissioner, Corporate Support Services
[Through] Human Resource,
Kenya Revenue Authority
Nairobi - ref. copy/1 2492(23)

Dear Sir/ Madam

REF: TERMINATION OF SERVICES.

I refer to the above mention subject matter and to your letter dated 29th March ,2022 of termination of my job.

That the letter reference number [copy/ 12492(22)] you write inviting myself to show cause on 2nd February,2022 and 25th February,2022 both were not received by myself or in our Post Office. I come to know about the summon letter when I received a call from the office of Deputy Commissioner -Human Resource, Kenya Revenue Authority on 26th April,2022 to pick a letter from the reception. It was unfortunately it was a termination letter without any warning from my employee or your good office.

Further to the submit of Biennial Wealth Declaration Form, I did it through the email, also I had a hard copy with me however through along I have been unwell. Enclosed herewith is the medical reports for your records.

Through this letter I do hereby appeal to your Authority and your good office to allow me have a chance to appear and explain **The Disciplinary Panel**. Waiting to here from your office soon

Thanks in advance.

T K 2
This is Biennial Wealth Declaration
Referred to the Agency of Public Sector
of Kenya

Yours Faithfully

THEOPHILUS KIPLIMO



20/05/2022 Nairobi


Amministratore

This is Exhibit M of the Agreement of Association

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KENYA REVENUE AUTHORITY
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Commissioner for Health

JOB DESCRIPTION

Job Title:	Scanner Analyst -JKIA Passenger Terminals Scanner Section
Grade:	KRA 3
Organization:	Kenya Revenue Authority (KRA)
Department:	Customs & Border Control
Division:	Pasenger Terminals
Location / Work station:	Jomo Kenyatta International Airport, JKIA
Supervisor:	Supervisor - Shift in Charge - Passenger Terminals
Overall Purpose of the Job:	<p>Supporting the Supervisor - Passenger Terminals in:</p> <ol style="list-style-type: none"> 1) Enforcing Laws on Prohibitions and Restrictions 2) Trade facilitation and compliance with international treaties (Chicago Convention-ICAO Annex 9) <ul style="list-style-type: none"> • Detection and interception of unaccustomed goods in passenger baggage. • Statistics gathering for baggage brought into the country, interceptions, detection of smuggling • Border Control and Security through interception of restricted, prohibited goods
Principle Duties:	<p>Enforcing Laws on Prohibitions and Restrictions</p> <ul style="list-style-type: none"> • Performing non-intrusive inspection through baggage scanning • Participating in physical inspection of baggage • Detection, interception and reporting of prohibited and restricted items in passenger baggage • Preparing timely and regular operational reports <p>Trade facilitation and compliance with international treaties</p> <ul style="list-style-type: none"> • Reduce passenger clearance time by employing non-intrusive inspection of baggage • Provide information to passengers on Customs laws and procedures <p>Statistics gathering</p> <ul style="list-style-type: none"> • Monitoring of baggage to detect trends in cargo concealment • Collection of data on the types of intercepted goods <p>Border Control and Security</p> <ul style="list-style-type: none"> • Participation in multi-agency patrols, surveillance and interceptions
Any other duties as may be assigned from time to time by the Supervisor	<ul style="list-style-type: none"> • Training in Customs Administration • Customer Service training • Certification in X-ray image analysis • Scanner X-Ray and image analysis and interpretation • Intelligence gathering
Competencies	


2030
KENYA

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Skills required	<ul style="list-style-type: none">• Good communication skills, both written and verbal including effective presentation• Good management, organizational and administrative skills• Excellent interpersonal and people management skills• Analytical skills• Proactive, self-motivated and adaptable to team environments• A person of integrity• Team Player
Relationships	Reports to: Supervisor – Shift-in-charge Passenger Terminals Direct Reports: None
Sign	Jobholder.....THEO.PKILWA...Kipkemba.....Date..... (Name & Signature) Supervisor.....CATHERINE A.M. NJEGA.....Date..... (Name & Signature)



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KENYA VISION 2030

SECTION 2: PERFORMANCE TARGETS

less than 50% of their objectives.

Total score of 0% to

POOR EXPECTATIONS

1. Indicate your Filter 2 Strategic Objectives (not exceeding 10) and indicate which Tier 1 (Corporate Objectives) they support.
2. Indicate SMART Objectives (not exceeding 10) and indicate which Tier 1 (Corporate Objectives) they support.
3. For Each SMART Objective:
 - a. Indicate between 1 to 5 Key Tasks/Initiatives:

Each SMART objective should have a minimum weighting of at least 4%; Total weighting of all KPIs is 100%.

num weight

Tier 2 Strategic Objective	Strategic Objective	Objectives
Tier 3		

Organizational Capacity				
Objectives Tier 2 Strategic	SSMARTA Objective Tier 3 Strategic	Tasks/Limitative Weight	Target on Objectives (SMART) Objectives	Objectives (SMART) Objectives

Phase		Objectives	Activities	Timeline	Resources	Measures
Phase A	Initial Assessment	Identify staff members at risk.	Conduct initial interviews, review performance data.	Week 1-2	HR Department, Managerial Staff	Staff turnover rate, performance metrics.
Phase B	Intervention Planning	Develop tailored training programs.	Design training modules, schedule sessions.	Week 3-4	Training Coordinators, HR Department	Completion rates, participant feedback.
Phase C	Implementation	Facilitate training sessions.	Deliver training, provide follow-up support.	Week 5-8	Trained Facilitators, Training Materials	Attendance, participant satisfaction.

b) Implement SKIA Passenger Terminal (PP primary certification recommendation).

5

Integral

Enhance

b). Adhere to leave Management Policy and guidelines outlined in the KRA Policy.

THERAPY

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Topical

		TOTAL	
			20%

Business Process		ISO 9001:2015/QMMS	
Enhance Operational Efficiency.	2.1. Attain 100% Compliance with I&SO/ERM Requirements by 30 th June 2021.	a. Adhere to JKIA Procedure Manual. II. RM-RISK MANAGEMENT a. Comply with Risk Management Plans developed at JKIA Passenger Terminals.	10% 100%
	2.2. Implement 100% of intelligence based Risk tools to enhance efficiency by 30 th June 2021.	i. Identify and report risk cases to supervisor for action to reduce the Possibility of accidents occurring in the Scanning area to Minimal while on duty. ii. Reporting accidents or Incidence at Scanner Site to Supervisor for action. iii. Adhere to risk framework tools e.g. flight risk matrix	10% 100%

P. K. J. K. 2020

2.3. 100% Reporting any system malfunction of the scanner for action.	ii. Accurately record keeping of Scanner to ensure the Scanner is in good condition and ready for actual scanning.	iii. Undertake Basic Checks to ensure the Scanner is in good condition and ready for actual scanning.	i. Usage of KAA baggage Scanners for Checked in baggage at JKIA Passenger Terminals.	ii. Implementation of Scanning of Hand-held baggage Using CT Scanners at JKIA Passengers Terminals.	iii. Keep record of all baggage Scanned at the Scanner Site.	2.4. Implement 100% of Baggage Scanning at JKIA by 30 th June 2021.	100%
2.4. Implement 100% of Baggage Scanning at JKIA by 30 th June 2021.	i. Usage of KAA baggage Scanners for Checked in baggage at JKIA Passenger Terminals.	ii. Implementation of Scanning of Hand-held baggage Using CT Scanners at JKIA Passengers Terminals.	iii. Keep record of all baggage Scanned at the Scanner Site.	100%		2.5. 100% Passenger terminals Implementation of Border Management Initiatives by 30 th June 2021.	
2.5. 100% Passenger terminals Implementation of Border Management Initiatives by 30 th June 2021.	i. Use of Baggage scanners in baggage screening at JKIA after scanning.	ii. Flagging of all Prohibited, restricted and Dutiable goods after scanning.	iii. Flaggering of all Prohibited, restricted and Dutiable goods after scanning.	100%		TOTAL	Customer
Improve Stakeholder Collaboration.	3.1. Deliver on Initiatives to increase Customer satisfaction from 76% to 80% by 30 th June 2021.	i. Timely reporting of passenger complaints in the scanning area to the supervisor.	ii. Facilitate requests of Scanning of Baggage from enforcers and stakeholders with consultation with the supervisor.	15%	100%		

INTERNAL



Signature:

Individual Staff Comments on the Performance Targets	Yes	No
Date:		

SECTION 4: SIGNING OF THE PERFORMANCE CONTRACT

ORGANISATIONAL CAPACITY	BUSINESS PROCESS	CUSTOMER	FINANCIAL	TOTAL	15%
					60% 25% 00% 100%

SUMMARY OF WEIGHT DISTRIBUTION

GRAND TOTAL		100%
TOTAL		
	00%	

Financial
N/A

3.2 Deliver on Initiatives	iii. Implementation of the JKIA Service Charter.	100%	15%	30%	TOTAL
	iii. Timely Screening of Passenger baggage.				Trade by 30th June 2021 to improves cross border

ISO 9001:2015 CERTIFIED

INTERNAL

KENYA REVENUE AUTHORITY

W/12/12
*

Figures 8 & 9 illustrate the performance of the
 system with respect to the number of samples per
 profile. The results are plotted in Fig. 8 for the
 case of a single profile, and in Fig. 9 for the
 case of two profiles.

TABLE I

NUMBER OF
 SAMPLES

Staff Name	THEOPHILUS KIPIMO	PF No.	12492	Department	C&BC	Division	SCANNER MANAGEMENT UNIT	Section	JKIA PASSENGER TERMINAL
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SNo	Key Productivity Indicator (KPI)	Measure	FY Target (Annual)	FY Actual	No. / %	Productivity Measure
1.	100% Scanning of checked in luggage at the KAA	Scanners	100%	100%	100%	Reports
2.	100% scanning of hand held luggage at the CT scanners	Scanners	100%	100%	100%	Reports
3.	100% Tagging of suspect bags	bags	100%	100%	100%	Reports
4.	Efficiency of marked bags to the verification area.	Efficiency	100%	100%	100%	Reports
5.	Punctuality at the work station	station	100%	100%	100%	Attendance register
6.	Maintenance of scanner refills	refills	100%	100%	100%	Scanner Refillers.

Prepared by: THEOPHILUS KIPIMO Signature: ATK2020 Date: 17/07/2020



END YEAR APPRAISAL FOR THE FINANCIAL YEAR - 2020/2021			
Values	Mission	Battling Trust through Dedication so as to Foster Goodwill	Trusted Partnerships, Ethical, Competent, Helpful & Simple
Trusteeship, Integrity, Dedication, Loyalty	With Tax and Customs Legislation	Building Trust through Dedication so as to Foster Goodwill	Trusted Partnerships, Ethical, Competent, Helpful & Simple

1.1	i. Use of Baggage or airside or baggage handling infrastructure at IATA passenger terminals	100.00%	98.00	98.00%	11.00%
1.2	ii. Flagging of airside-handled checked and baggage bags after screening	100.00%	98.00	98.00%	11.00%
1.3	iii. Implementation of Border Management Initiatives by State Board	100.00%	98.00	98.00%	11.00%
1.4	Total	100.00%	98.00	98.00%	11.00%
2.1	i. Early resolution of passenger complaints in the screening area to the supervisor	100.00%	99.00	99.00%	1.00%
2.2	ii. Facilitate requests of screening of baggage from supervisor and stakeholders with consultation with the supervisor	100.00%	99.00	99.00%	1.00%
2.3	iii. Early screening of passenger baggage	100.00%	99.00	99.00%	1.00%
2.4	iv. Delivery on initiative to increase passengers satisfaction from 76% to 80% by 30 th June 2011	100.00%	100.00	100.00%	15.00%
2.5	v. Enclosure on initiatives to improve	100.00%	100.00	100.00%	15.00%
2.6	vi. Number of flights fly away from 2011	100.00%	100.00	100.00%	15.00%
2.7	Total	100.00%	98.00	98.00%	11.00%
3.1	i. Early resolution of passenger complaints in the screening area to the supervisor	100.00%	99.00	99.00%	1.00%
3.2	ii. Facilitate requests of screening of baggage from supervisor and stakeholders with consultation with the supervisor	100.00%	99.00	99.00%	1.00%
3.3	iii. Early screening of passenger baggage	100.00%	99.00	99.00%	1.00%
3.4	iv. Adherence to IATA passenger timelines during the shift	100.00%	99.00	99.00%	1.00%
3.5	v. Used both the green and red channels to ensure smooth and faster screening of hand baggage	100.00%	99.00	99.00%	1.00%
3.6	vi. Enclosure on initiatives to improve	100.00%	99.00	99.00%	1.00%
3.7	vii. Number of flights fly away from 2011	100.00%	100.00	100.00%	15.00%
3.8	Total	100.00%	98.00	98.00%	11.00%

26/06/2011

✓
✓
✓
✓
✓

Date	30/06/2021	Signature:	
Total sum already off set by payment			
Date	25/06/2021	Signature:	

EDWARD

100.00



CONFIDENTIAL

ISO 9001:2015 CERTIFIED

CORPORATE SUPPORT SERVICES DEPARTMENT

Ref: Conf/12492(25)

16th August, 2022

Theophilus Kiplimo
P. O Box 37 -30706
CHEBIEMIT – ELGEYO MARAKWET

Cell: 0727-318 959

Dear Theophilus,

RE: APPEAL AGAINST TERMINATION OF SERVICES

Reference is made to your letter dated 28th April, 2022 that was addressed to my office on the above subject.

This is to inform you that we have reviewed your appeal case and found no new grounds adduced to warrant for review of the earlier decision.

In view of the above, the decision to terminate your services with the Authority as communicated to you earlier on is therefore upheld.

Yours sincerely,

Dennis

**Dr. David Kinuu, EBS
COMMISSIONER CORPORATE SUPPORT SERVICES**

T K 4
This is to inform you that your application
referred to in the letter of 28th April, 2022
of
Sworn / Declared before me this 25th day
of September, 2022 at Nairobi.
S/ *S. J. 10/22* H A 2022
Commissioner for Oaths



KVANJIT PATEL

1234567890
Karan Patel
Karan Patel

ATTORNEY CERTIFICATE

I, KARAN PATEL, do hereby certify that I am the author of the document attached hereto and that the contents of the document are true and accurate to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Given at Mumbai, on the 21st day of November, 2022.

Karan Patel

Solicitor : N. S. Patel

Regd. Office No. :

Serial No. :

Date :

This is Exhibit Number 5
referred to in the above-mentioned declaration
of

Sworn / Declared Before me this 21st day
of Nov 2022
S. P. 2022



SEDA & CO.ADVOCATES

Luthuli House, 1st Floor Suite A21
Luthuli Avenue
P.O.Box 2605/00564 Nairobi
Tel: 0102271063 0726608409
Email: orwasedaandcoadvocates@gmail.com

Our Ref: CIV/01472/022 Your Ref: Conf/12492[25] Date: 2nd September, 2022.

Re: Unlawful Termination of Employment of Mr. Theophilus Kiplimo
Dear Sir/Madam,
Commissioner, Corporate Support Services
[Through] Human Resource,
Kenya Revenue Authority
Nairobi

Dear Sir/Madam,

REF: UNLAWFUL TERMINATION OF EMPLOYMENT OF OUR CLIENT:
THEOPHILUS KIPLIMO.

We act for Theophilus Kiplimo (hereinafter called "Our Client"), upon whose instructions we write to you as follows:

That you employed our above-named client in the year 18/3/2019, as Customs Officer.

That without good reasons or justification you summarily dismissed his duty before the end of his term for retirement.

Pursuant to the foregoing, we are instructed that the express and / or implied terms of the said employment read together with the Labour Regulations, our client is entitled to claim the following from your organization:

- 1 Compensation for wrongful termination of employment.
- 2 3 months payment in gross salary lieu of notice.
- 3 Payment for days worked up to date.
- 4 Payment for accrued and unused leave days.
- 5 Service pay for years worked.
- 6 Overtime compensation for extra hours worked for the above stipulated.

- 7 Certificate of service.
8 Compensation under the Labour Act.

Accordingly, our instructions are to demand from you, as we hereby do, that you confirm to us in writing, within the next **SEVEN (7) DAYS** that:-

You admit liability to pay our client forthwith:-

- i) The compensation and amounts referred to in numbers **1-8** above.
 - ii) General damages for Unlawful Termination, loss and suffering as our client has been subjected to as a consequence of your unjustified/ unlawful action.
 - iii) Any such further compensation as may, subsequent hereto, comes to light.
- TAKE NOTICE** that unless we receive your positive response as aforesigned within the stipulated deadline of **SEVEN (7) DAYS** of the date of this letter, our instructions are to institute legal proceedings against yourselves without any further recourse to yourselves whatsoever, holding you liable for all costs thereby incurred and other consequences ensuing therefrom.

We trust that this will not be necessary and we look forward to hearing from you within the aforementioned time.

Yours faithfully,

[Signature]
ORWA SEDA & CO. ADVOCATES
Cc Client

REPUBLIC OF KENYA
IN THE MATTER OF SECTION 13 A OF THE GOVERNMENT
PROCEEDINGS ACT 40 OF THE LAWS OF KENYA

NOTICE OF INTENDED SUIT

TAKE NOTICE that **THEOPHILUS KIPLIMO** (hereinafter called the intended Claimant) care of Orwa Seda & Company Advocates, Luthuli House, Suite A21, Luthuli Avenue, P.O Box 26007-00504, Nairobi within The Republic of Kenya intends to institute proceedings in the Employment and Labour Relations Court at Nairobi against The Attorney General on behalf of The Kenya Revenue Authority within thirty (30) days from the date hereof.

The circumstance giving rise to the intended suit are:-

ISSUES IN DISPUTE

Unfair, unlawful and wrongful termination of employment.

Failing to accord the claimant opportunity to defend himself and opportunity to avail himself with a witness of his choice prior to termination.

Failing to explain to the claimant reasons for termination.

Failing to observe procedural fairness while executing termination rendering the termination unfair and unlawful and procedural.

Failing to pay dues legally in favor of the claimant upon termination.

Dated at Nairobi this 2nd Day of September 2022

Orwa Seda & Company

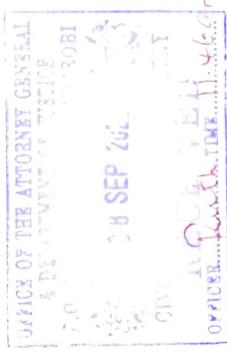
Advocates for the intended claimant

DRAWN AND FILED BY:-

Orwa Seda & Co. Advocates
Luthuli House, 1st Floor, Suite A21
P.O Box 26007-00504
Nairobi

TO BE SERVED UPON:-

The Honourable Attorney General
State Law Office, Harambee Avenue
P.O Box 40112-00100
Nairobi





REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE NO. OF 2022

NOTICE OF SUMMONS

- a. The Commissioner, Corporate Support Service
Kenya Revenue Authority
P. O Box 48240-00100
Nairobi
- b. The Honourable Attorney General
State Law Office, Harambee Avenue
P.o Box 40112-00100
Nairobi

TAKE NOTICE that a Memorandum of Claim has been filed in the **Employment and Labour Relations Court of Kenya** at in Cause/Appeal No. of in which you are named as Respondent. Service of the summons on you was ordered to be by this notice.

A copy of the Summons and statement of claim on you was ordered to be by this notice.

This matter is listed for Mention on..... day of 20.....

Unless you file a Response within **Twenty-One (21) days** from the date of this summon the suit will be heard and determined in your absence.

DATED at **NAIROBI** this day of 2022

Deputy Registrar