



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR**

**RELATIONS COURT**

**AT NAIROBI**

**MISCELLANEOUS APPLICATION NO. E002 OF 2021**

**BETWEEN**

**DANIEL MUTHOKA MITHIANI .....APPLICANT**

**VERSUS**

**INSIGHT MANAGEMENT CONSULTANTS LIMITED..... RESPONDENT**

**RULING**

1. The Applicant prays the Court to adopt as its Judgment, an award made by the Senior Occupational Health and Safety Officer, dated 29<sup>th</sup> July 2020.
2. The Application is founded on the Affidavit of the Applicant, sworn on 19<sup>th</sup> November 2021.
3. The Applicant invokes Sections 16, 17 and 51 of the Work Injury Benefit Act 2007.
4. The Sections of the Law invoked by the Applicant do not confer jurisdiction on this Court, to adopt awards of the Director of Work Injury, as Judgments of the Court.
5. The Work Injury Benefit Act, confers an appellate jurisdiction on the Court. Adoption of awards of the Director of Work Injury as Judgments of the Court, is not within the appellate jurisdiction.

IT IS ORDERED: -

*a. The Application is declined.*

*b. No order on the costs.*

**Dated, signed and released to the Parties electronically, under the Ministry of Health and Judiciary Covid-19 Guidelines, at Chaka, this 28<sup>th</sup> day of April 2022.**

**JAMES RIKA**

## JUDGE



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)