



Case Number:	Appeal Case 14 of 2018
Date Delivered:	22 Jan 2019
Case Class:	Civil
Court:	Transport Licensing Appeals Board Tribunal
Case Action:	Judgment
Judge:	Dick Waweru, Aden Noor Ali, Moses Parantai & Prof. Kiarie Mwaura
Citation:	Mohamed Abdi v National Transport & Safety Authority [2019] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Tribunal
History Magistrates:	-
County:	Isiolo
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-

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TRANSPORT LICENSING APPEALS BOARD AT ISIOLO

APPEAL CASE NO 14 OF 2018

MOHAMED ABDIAPPELLANT

VERSUS

THE NATIONAL TRANSPORT & SAFETY AUTHORITYRESPONDENT

JUDGMENT

Introduction

1. The Appellant is a retired civil servant, who is now involved in the business of driving vehicles. The Respondent, National Transport and Safety Authority, is established under section 3 of the National Transport and Safety Authority Act No. 33 of 2012 and has the responsibility to advise and make recommendations to the Cabinet Secretary on the matters relating to road transport and safety, implement policies relating road transport and safety; plan, manage, and regulate the road transport system, ensure the provision of safe, reliable, and efficient road transport services and to administer the Traffic Act.

The Appellants Case

2. The Appellant applied for a duplicate license on 28 February of 2018 and was issued with a receipt number DPL-AIC831. His original licensed had been issued in August 1978, but had become defaced. As a result, it had become difficult for him to earn a livelihood through driving given that he often got into problems with the police owing to his defaced license.

3. After applying for the duplicate license, he visited NTSA's offices in February and May 2018, but had not succeeded to get the license. Besides, NTSA had not responded to him.

The Respondent's Case

4. The Respondent did not appear at the hearing.

Determination

5. Following the arguments adduced in trial, the Transport Licensing Appeals Board has isolated the following issue to be the one requiring a determination: whether the delay on the part of NTSA was reasonable"

6. It is the case that Article 47 of the Constitution of Kenya 2010 guarantees every person the right to administrative action that is fair, efficient, and reasonable. This constitutional provision is implemented through the Fair Administrative Action Act of 2015.

7. We find that a delay of almost one year cannot be said to be reasonable in the circumstances of this case.

8. Having considered the facts and the law applicable to this matter, the Transport Licensing Appeals

