



Case Number:	Appeal 5 of 2019
Date Delivered:	28 Mar 2019
Case Class:	Civil
Court:	Transport Licensing Appeals Board Tribunal
Case Action:	Judgment
Judge:	Dick Waweru - Chairman, Prof. Kiarie Mwaura - Member, Aden Noor Ali - Member & Moses Parantai - Member
Citation:	Martin Mwangi Thiga v National Transport and Safety Authority [2019] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Tribunal
History Magistrates:	-
County:	Nyeri
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 NYERI

APPEAL CASE NO. 5 OF 2019

MARTIN MWANGI THIGA.....APPELLANT

-VERSUS-

NATIONAL TRANSPORT AND SAFETY AUTHORITY.....RESPONDENT

JUDGMENT

Introduction

1. The Appellant is a driver who worked for Nyena Sacco for more than ten years.
2. The Respondent, National Transport and Safety Authority (NTSA), 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 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 Appellant's Case

3. The Appellant filed an application at the Transport Licensing Appeals Board (TLAB) on 1st February 2019 with the complaint that the Respondent had issued him with a new smart driving licence that does not capture his class "A" license (PSV license) and yet he had been given a class "A" license more than ten years ago.
4. It was in 2019 that the Respondent informed the Appellant that the NTSA's online system indicated that he did not have a class "A" endorsement in his license.
5. The Appellant presented in court a hard copy of his license, which showed that he had a class "A" license.
6. It was the Appellant's prayer that he ought to get the class "A" license endorsed in the online system of NTSA so that he can get a smart driving license that reflects the same.
7. The Chairman of Nyena Sacco, Paul Theuri Ndirangu, testified in support of the Appellant and averred that the Appellant had a class "A" license, which enabled him to serve as a driver for Nyena Sacco for more than ten years.
8. Paul Ndirangu also averred that the Appellant is unable to continue working as a driver without the class "A" license.

The Respondent's Case

9. After perusing the hard copies of the license presented in court, NTSA's counsel, Ronald Cheruiyot, was of the view that the Appellant was entitled to have the class "A" license.

Determination

10. Following the arguments adduced during trial, the Transport Licensing Appeals Board finds that the Appellant is entitled to get his class “A” license.

11. The Transport Licensing Appeals Board hereby orders:

1. THAT NTSA issues the Appellant with a class “A” license within seven (7) days of this judgment.
2. THAT the class “A” license be endorsed in the online system of NTSA.

Delivered, dated, and signed in Nyeri by the Transport Licensing Appeals Board on this 28th day of March 2019.

Dick Waweru Chairman

Prof. Kiarie Mwaura Member

Aden Noor Ali Member

Moses Parantai Member



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