



Washika & 6 others v Retirement Benefits Appeals Tribunal; Retirement Benefits Authority (Interested Party) (Judicial Review Application E066 of 2025) [2025] KEHC 3658 (KLR) (Judicial Review) (24 March 2025) (Ruling)

Neutral citation: [2025] KEHC 3658 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW**

JUDICIAL REVIEW APPLICATION E066 OF 2025

RE ABURILI, J

MARCH 24, 2025

BETWEEN

**RODGERS W. WASHIKA 1ST APPLICANT
KENNETH BOINETT 2ND APPLICANT
GORDON OCHIENG OCHAR 3RD APPLICANT
JOHN O. JAKAITI 4TH APPLICANT
AGGREY SIMIYU 5TH APPLICANT
RONALD LUKA 6TH APPLICANT
MURITHI MAINA 7TH APPLICANT**

AND

RETIREMENT BENEFITS APPEALS TRIBUNAL RESPONDENT

AND

RETIREMENT BENEFITS AUTHORITY INTERESTED PARTY

RULING

1. I have considered the application by way of chamber summons dated 18th March 2025 exparte, under certificate of urgency. The court did not find the matter urgent on 19/3/2025 and directed the applicant to pay the correct court fees which has not been paid.
2. On the question of whether leave should be granted to challenge the decision of the Retirement Benefits Appeals Tribunal in Appeal No. 6/2024 rendered on 7/11/2024, I observe that the applicant



challenges jurisdiction of the Tribunal to hear and determine the Appeal which was filed by the applicants before the Retirement Benefits Authority and escalated to the Tribunal. The application is not prima facie frivolous at this stage as the court will have the opportunity to consider the merits in the main motion.

3. I grant leave to the applicants to challenge the said decision as prayed; in prayers 1, 2, & 3 of the Chamber Summons dated 18/3/2025.
4. The substantive Notice of Motion to be filed and served within 21 days of this order. In addition, I order that the leave so granted do operate as stay of enforcement of the order for costs awarded in Appeal No. 6/2024 by the Retirement Benefits Appeals Tribunal on 7/11/2024.
5. The substantive application to be filed in a separate file.
6. Costs of this application shall be in the substantive motion in any event.
7. This file is hereby closed.

DATED, SIGNED AND DELIVERED AT NAIROBI VIRTUALLY THIS 24TH DAY OF MARCH, 2025

R.E. ABURILI

JUDGE

