



**Muhia (Suing as the Legal Representative of the Estate of John Muhoro Karanja)
v Director of Occupational Safety and Health Services; H & M Aluminium
Limited (Interested Party) (Judicial Review Application E306 of 2025)
[2025] KEHC 13694 (KLR) (Judicial Review) (29 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13694 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E306 OF 2025
RE ABURILI, J
SEPTEMBER 29, 2025**

BETWEEN

**FRANCIS KARANJA MUHIA (SUING AS THE LEGAL REPRESENTATIVE OF
THE ESTATE OF JOHN MUHORO KARANJA) APPLICANT**

AND

**THE DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH
SERVICES RESPONDENT**

AND

H & M ALUMINIUM LIMITED INTERESTED PARTY

RULING

1. The applicant Francis Karanja Muhia by the Originating Motion dated 24/9/2025 seeks Judicial Review orders of mandamus to compel the Respondent, the Director of Occupational Safety and Health & the Interested Party H & M Aluminium Ltd to assess compensation payable to the applicant in line with Dosit Form 1 submitted on 8/10/2024 to the applicant following the injury at work of the deceased John Muhoro Karanja while in employment of the Interested Party herein H & M Aluminium Ltd in accordance with the [work injury Benefits Act](#); Cap 236 Laws of Kenya.
2. The Originating Motion is brought under the provision of the Fair Administrative Action Rules, 2024 among other provisions of the law and [the Constitution](#).
3. It is supported by an affidavit sworn by the applicant on 24/9/2025 annexing a limited grant for filing suit and a death certificate of the deceased employee John Muhoro Karanja and Notification of Accident form together with a demand notice dated 19/8/2025.



4. I have perused the documents as filed and the question I ask is whether this court has jurisdiction to hear and determine the Judicial Review matter involving claims for compensation to the deceased employee.
5. The straight answer is No. The *work injury Benefits Act* is an Act of Parliament providing for compensation for work related injuries and diseases contracted in the course of their employment and for connected purposes.
6. The *Employment and Labour Relations Court Act* as far as it implements Article 162 (2)(a) of *the Constitution* provides for jurisdiction of the court at Section 12 of the said Act. The same Section provides for orders which the court can make among them, prerogative orders.
7. Needless to say, that the Employment and Labour Relations Court exercises jurisdiction to hear and determine all disputes relating to Employment and Labour Relations, and that under Article 165(5) of *the Constitution*, the High Court is expressly barred from hearing and determining disputes which are in the preserve of the specialized courts established under Article 162(2) of *the Constitution* and the Supreme Court.
8. Having said that, and bearing in mind the fact that jurisdiction can only be conferred by law and *the Constitution*, and that parties cannot confer jurisdiction on the court, and neither can the court arrogate itself of the jurisdiction that it does not have, whether by craft, and that jurisdiction is everything without which a court of law acts in vain, I must do the honourable thing here. That is, I down my tools by finding that this court is devoid of jurisdiction to entertain work injury Benefits claims as presented.
9. In the end, I decline jurisdiction in this matter and strike out the Originating Motion dated 24th September, 2025 as filed with no orders as to costs. The Applicant's Counsel be notified.
10. The file closed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 29TH DAY OF SEPTEMBER, 2025

R. E. ABURILI

JUDGE

