

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS  
COURT AT NAIROBI  
MISCELLANEOUS APPLICATION NO. E110 OF 2025  
KENNEDY KHAEMBA WANYAMA  
APPLICANT**

**v**

**RABDIYA CONSTRUCTION CO LTD  
RESPONDENT**

**EMPLOYMENT AND LABOUR RELATIONS COURT**  
**RULING**

1. Kennedy Khaemba Wanyama (the applicant) moved the Court on 12 March 2025, seeking orders:



(i) THAT the Honourable Court adopts the assessment of the Director of Occupational Safety and Health Services as a judgment of the Court.

(ii) THAT a decree for Kshs 223,978.38 do issue in accordance with the assessment of the Director of Occupational Safety and Health Services.

(iii) THAT the Honourable Court be pleased to award interest at court rates to be paid by the Respondent from 14<sup>th</sup> October 2024, when the award was made till payment in full.

(iv) THAT costs of this application be borne by the Respondent.

2. The grounds in support of the Motion were that the applicant was engaged by the Respondent as a casual worker and on 25 September 2024, he was involved in an industrial accident in the course of work; the Respondent reported the accident to the Director, Occupational Safety and Health; the Director assessed compensation of Kshs 223,975.38 on 14 October 2024, and made a demand for payment and that the Respondent had failed to make the payment.

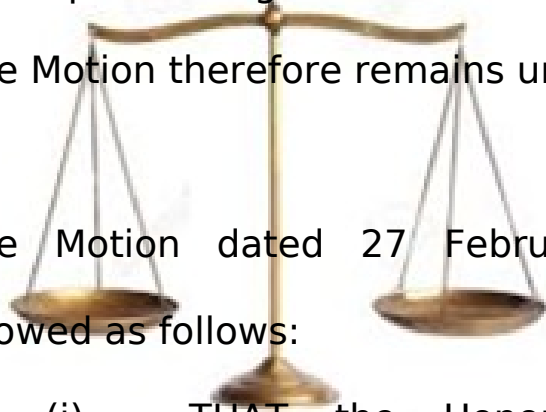
3. According to an affidavit of service filed in Court on 30 May 2025, the Respondent was served and acknowledged service on the same day by signing and stamping on a copy of the Motion and mention notice.

4. Despite acknowledging the service, the Respondent has not bothered to participate in the proceedings.

5. The Motion therefore remains unopposed.

**Orders**

6. The Motion dated 27 February 2025 is allowed as follows:



(i) THAT the Honourable Court hereby adopts the assessment of the Director of Occupational Safety and Health Services as a judgment of the Court.

(ii) THAT a decree for Kshs 223,978.38 do hereby issue in accordance with the assessment

of the Director of Occupational Safety and Health Services.

(iii) THAT the Honourable Court hereby awards interest at court rates to be paid by the Respondent from 14<sup>th</sup> October 2024, when the award was made, till payment in full.

7. The applicant to have costs.

**Delivered virtually, dated and signed in Kisumu on this 21<sup>st</sup> day of November 2025.**



**Radido Stephen, MCI Arb**

**Judge**

**Appearances**

**NAIROBI**

For applicant

Mwaura Ngugi  
Gichinga & Co.  
Advocates

Respondent

did not

participate

Court Assistant

Wangu