

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
AT NAIROBI**

MISC APPLICATION NO. E097 OF 2025

**JOHN OSOSI SISA
APPLICANT**

v

**CYKA MANPOWER SERVICES LIMITED
RESPONDENT**

**EMPLOYMENT AND LABOUR RELATIONS COURT
RULING**

1. John Ososi Sisa (the applicant) got injured in the workplace, and Cyka Manpower Services Ltd (the Respondent) reported the accident to the Director, Occupational Safety and Health Services.
2. The Director assessed the compensation payable and made a demand to the Respondent to pay through a letter dated 6 February 2025.
3. The Respondent did not pay, and the applicant moved the Court on 8 April 2025, seeking orders:

(i)...

(ii) THAT the Honourable Court be pleased to adopt as a judgment of this Court the award of the

Directorate of Occupational Safety and Health Officer made on 6th February 2025.

(iii) THAT judgment be entered for the applicant against the Respondent for Kshs 550,584/- being the amount assessed under the Work Injury Benefits Act.

(iv) THAT the Honourable Court be pleased to award interest on the amount from the date of assessment until payment in full.

(v) THAT the Honourable Court be pleased to award any other relief this Court may deem fit and just to grant.

(vi) THAT the costs of this application be awarded to the applicant.

4. The Court gave directions on the Motion on 10 April 2025. The directions were not complied with,

and the Court gave new directions on 24 September 2025 and 4 November 2025.

5. The applicant filed his submissions on 23 June 2025 and contended that the Court had jurisdiction to issue the orders sought and that since the Respondent had failed to pay the compensation, the Court ought to compel it to do so (the applicant cited case law).

6. The Respondent caused a replying affidavit to be filed on 5 November 2025.

7. The deponent deponed in the affidavit that the award was issued without its knowledge or participation; the Director had issued two different awards, dated 29 August 2024 for Kshs 9,305/- and 6 February 2025 for Kshs 541,900/-; that investigations by its insurers established that it is the award dated 29 August 2024 that was genuine and that the award sought to be enforced was irregular, falsified and unenforceable.

8. The Respondent placed before the Court correspondence exchanged between its investigators and the office of the Director, disowning the demand for payment dated 6 February 2025.

9. The Respondent filed its submissions on 24 November 2025, asserting that the Director never involved it in processing the award of 6 February 2025, thus violating its rights to procedural fairness and fair administrative action.

10. The Respondent further urged that the claim, being based on forged documents, could not be enforced (the Respondent cited case law).

11. The Court has considered the Motion, affidavits and submissions.

12. The Respondent placed evidence before the Court to demonstrate that the award that the applicant seeks to enforce was not available in the Director of Occupational Safety and Health's official records.

13. The officer who purportedly signed the award, Marwa M. Mwita, declined to respond to the SubCounty Director's requests for clarification.

14. The applicant did not reply to the depositions in the Respondent's affidavit, and the Court has no hesitation in concluding that the applicant relied on a fraudulent and forged demand for payment in seeking the Court's intervention.

15. The Court has noted previously that parties and advocates are increasingly using forged records to enforce awards made under the Work Injury Benefits Act.

16. This type of fraud was prevalent in claims emanating from traffic accidents, where Police Abstract reports and medical reports would be manufactured for purposes of hoodwinking the Court and other parties.

17. Perhaps it's time the Director of Occupational Safety and Health, employers and representatives

of employees embarked on a process to address this fraudulent trend.

Conclusion and Orders

18. The Motion dated 8 April 2025 was anchored on a fraudulent and forged award, and the Court so finds

19. The Motion is dismissed with costs to the Respondent.

Delivered virtually, dated and signed in Nairobi on this 22nd day of January 2026.



Appearances

For applicant **NAIROBI** Fred Mwihia & Co.

Advocates

For Respondent J.M. Njoroge & Co.

Advocates

Court Assistant Wangu