



**Mativo v Insight Management Limited & another (Miscellaneous Application  
E271 of 2025) [2026] KEELRC 58 (KLR) (23 January 2026) (Ruling)**

Neutral citation: [2026] KEELRC 58 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
MISCELLANEOUS APPLICATION E271 OF 2025**

**S RADIDO, J  
JANUARY 23, 2026**

**BETWEEN**

**STEPHEN KIMATHI MATIVO ..... APPLICANT**

**AND**

**INSIGHT MANAGEMENT LIMITED ..... 1<sup>ST</sup> RESPONDENT**

**DIRECTORATE OF OCCUPATIONAL SAFETY AND HEALTH  
SERVICES ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. For determination is a Motion dated 30 July 2025 by Stephen Kimathi Mativo (the applicant) seeking orders:
  - i. That this Honourable Court be pleased to adopt as a judgment of this Court the award made by the Directorate of Occupational Safety and Health Officer on 24<sup>th</sup> June 2021.
  - ii. That judgment be entered for the applicant agents, the 1<sup>st</sup> Respondent for Kenya Shillings Nine Hundred and Twenty-Four Thousand One Hundred and Eighty Shillings (Kshs 924,181/97) being the amount assessed under the *Work Injury Benefits Act*.
  - iii. That the Honourable Court be pleased to award interest on the amount from the date of assessment until payment in full.
  - iv. Costs of this suit be borne by the 1<sup>st</sup> Respondent.
  - v. That this Honourable Court be pleased to award any other relief this Court may deem fit and just to grant.
2. The grounds supporting the Motion were that the applicant, a Machine Attendant with Insight Management Ltd (the Respondent) got injured in the work place on 31 July 2020; a report was made



to the Director of Occupational Safety and Health and he assessed compensation of Kshs 924,181/97 on 24 June 2021 and a demand made for payment to the Respondent but it had failed to settle.

3. The Respondent caused to be filed a replying affidavit on 10 November 2025, asserting that the Motion was res judicata because the applicant had filed Milimani Chief Magistrates Court Misc Application No. E044 of 2025, Stephen Kimathi Mativo v Insight Management Ltd over the same accident/injuries and the same was determined on 27 October 2025; that the Director of Occupational Safety and Health had assessed and awarded the applicant compensation of Kshs 764,277/-, and full payment had been made on or around 30 September 2021.
4. When the Motion was mentioned before the Court on 11 November 2025, the applicant, who was aware of the session, did not appear. The Respondent was present, and the Court indicated that it would deliver a Ruling on 29 January 2026.
5. The Court has considered the Motion, affidavits and makes the following determinations.
6. First, the Director made a demand for payment through a letter dated 24 June 2021 and in terms of section 89 of the *Employment Act*, 2007, the applicant should have moved the Court within 3 years, that is, on or before 23 June 2024.
7. The applicant moved the Court on 31 July 2025, outside the prescribed 3 years, when the action had become stale and unenforceable.
8. Second, there is evidence on the record that the Respondent made good (paid) the demand by the Director, Occupational Safety and Health Services around 30 September 2021.
9. The instant proceedings were, therefore, based on misrepresentation and thus fraudulent.
10. Lastly, the applicant had initiated parallel proceedings before the Chief Magistrates Court, thus, the instant proceedings were not only incompetent but an abuse of the court process.
11. Before concluding, the Court observes that this is yet another fraudulent claim for enforcement of an award by the Director, Occupational Safety and Health Services, placed before it in a span of days.
12. Advocates and parties are increasingly presenting claims based on forged records and fraud. The Ministry of Labour and the other social partners need to get back to the drawing board with urgency to nip this unprofessional malpractice in the bud.
13. The delivery of this Ruling has been brought forward with notice to the parties.

#### **Orders**

14. The Motion dated 30 July 2025, is not only res judicata, incompetent, an abuse of the court process, but time-barred by virtue of section 89 of the *Employment Act*, 2007.
15. The Motion is dismissed with costs to the Respondent.

**DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 23<sup>RD</sup> DAY OF JANUARY 2026.**

**RADIDO STEPHEN, MCIARB**

**JUDGE**

Appearances

For applicant JIL Advocates



For Respondent Mbigi Njuguna & Co. Advocates

Court Assistant Wangu

