

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR
RELATIONS COURT AT NAKURU
PETITION NO. E019 Of 2026**

BETWEEN

JOSEPH KAMAU NDUNG’UPETITIONER

VERSUS

1. DIRECTORATE OF OCCUPATIONAL HEALTH & SAFETY
2. JAMES MWANGI GIKONYORESPONDENTS

RULING

1. The Application filed by the Petitioner, dated 26th February 2026 is not urgent.
2. It is unclear why multiple actions have been filed before the Courts, with respect to the award issued by the 1st Respondent.
3. Under the Court of Appeal decision mentioned at paragraph 11 of Grounds in support of the Application, the procedure on assessment, objection, appeal and enforcement, and jurisdiction, under WIBA, ought to be clear to the Parties.
4. There ought not be fresh actions brought and reopening of factual matters.

5. Nonetheless, the Petition and the Application shall be served upon the Respondents and mentioned alongside E&LRC Miscellaneous Application No. E055 of 2025, when that Application is next due in Court.

6. The Respondents shall file and serve their responses to the Petition and the Application, before the mention date.

Dated, signed and issued electronically at Nakuru, this 4th day of March 2026.

James Rika
Judge