



**Republic v Director Occupational Safety and Health Services & another;
Freedom Airline Epres Limited (Ex parte Applicant) (Judicial Review
E033 of 2024) [2025] KEELRC 2091 (KLR) (16 July 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2091 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
JUDICIAL REVIEW E033 OF 2024**

**HS WASILWA, J
JULY 16, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

**THE DIRECTOR OCCUPATIONAL SAFETY AND HEALTH
SERVICES 1ST RESPONDENT**

ABDIRAHMAN ABULLAHI MOHAMED 2ND RESPONDENT

AND

FREEDOM AIRLINE EPRES LIMITED EX PARTE APPLICANT

RULING

1. This ruling is in relation to a stay of execution application filed by the respondents herein dated 9/7/2025 whereby the applicants aver that they have preferred an appeal to the Court of Appeal and therefore there should be no further execution of the judgment of this court.
2. The respondents petition on their part have submitted before court that there is actually no appeal filed by the applicant respondent since the appeal is in respect of the decree and finding of this court on compensation payable as adopted by this court.
3. In the application, the applicant indicated that they had already released 2 million to the respondent and therefore the order of court directing release of 10 million was in error as the 2million paid out was not taken into account.
4. The applicant also sought stay orders for the same reason. The court has already dealt with the error in relation to the release of 10 million while not taking into consideration the 2 million already paid and therefore the matter is overtaken by events.



5. It is on the above premise that the applicant sought for stay orders. The notice of motion application was also premised on the same issue that there was an error where the court directed release of 10 million instead of what was owing having taken into account the release of 2 million previously.
6. The applicants also seek stay in relation to the garnishee nisi orders which the petitioners are seeking recovery of kshs 21,918,620.80/- whereas they are pursuing an appeal.
7. I have looked at these averments by the parties herein. The ex parte applicant have preferred an application to the Court of Appeal against the judgment of this court dated 11/6/2025 dismissing the Judicial Review application. The Judicial Review application had sought orders of the court to quash the award of the Director of Occupation Safety and Health dated 16/5/2024. This court determined that the applicant should have preferred an appeal and not a judicial review application before court.
8. Having chosen to file an appeal which is pending before the Court of Appeal, and in order to avoid any further miscarriage of justice, I will allow stay of further execution beyond orders issued for release of moneys in MEB Ltd and direct that the applicants provide security for the stay to the tune of 5 million to be deposited in an interest earning account held in joint names of counsels on record within 30 days. All pending garnishee applications are now struck out. In default thereof execution to proceed. Costs in the appeal.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 16TH DAY OF JULY 2025.

HELLEN WASILWA

JUDGE

