



Mbindyo v China Communication Construction Limited (Miscellaneous Application E257 of 2023) [2024] KEELRC 1449 (KLR) (14 June 2024) (Ruling)

Neutral citation: [2024] KEELRC 1449 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
MISCELLANEOUS APPLICATION E257 OF 2023**

J RIKA, J

JUNE 14, 2024

BETWEEN

STEPHEN MUTUA MBINDYO APPLICANT

AND

CHINA COMMUNICATION CONSTRUCTION LIMITED RESPONDENT

RULING

1. The Applicant seeks enforcement of an award in the sum of Kshs 746,873, granted in his favour by the Director, Work Injury.
2. He invokes Section 12 of the *Employment and Labour Relations Court Act*, and Sections 26 and 51 of the *Work Injury Benefits Act*, and any other provision of the law, in seeking enforcement.
3. In *Lameck Nyakundi Anyona v. W.J.J. Kenya Construction Limited* [2022] e-KLR, this Court held that its jurisdiction under the *Work Injury Benefits Act*, is limited to Appeals, under section 52 [2]. There is no jurisdiction to enforce awards of the Director, under Sections 26 and 51 of the *Act*, invoked by the Applicant. Neither is there an enforcement provision, under Section 12 of the *Employment and Labour Relations Court Act*. There is no other written law, extending jurisdiction to this Court, that would enable the Court to enforce awards of the Director. The adoption by the Court of such an award, would mean that the award becomes a decree of the Court, which would be inconsistent with the jurisdiction of the Court, as an appellate body, to which such decree is appealable.

It is ordered : -

- a. The Miscellaneous Application filed herein is declined for want of jurisdiction.
- b. No order on the costs.



DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAIROBI,
UNDER PRACTICE DIRECTION 6[2] OF THE ELECTRONIC CASE MANAGEMENT
PRACTICE DIRECTIONS, 2020, THIS 14TH DAY OF JUNE 2024.

JAMES RIKA

JUDGE

