



REPUBLIC OF KENYA



KENYA LAW
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**Siundu v Comply Industries (Miscellaneous Civil Application
E56 of 2024) [2024] KEELRC 2770 (KLR) (31 October 2024) (Ruling)**

Neutral citation: [2024] KEELRC 2770 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
MISCELLANEOUS CIVIL APPLICATION E56 OF 2024
AN MWAURE, J
OCTOBER 31, 2024**

BETWEEN

JOSEPH JUMA SIUNDU APPLICANT

AND

COMPLY INDUSTRIES RESPONDENT

RULING

1. The Applicant herein has filed an application dated 16th October 2024 seeking the following prayers –
 1. That this application be certified urgent.
 2. That the Honourable Court be pleased to order the respondent to forthwith pay the applicant a sum of Kshs.461,980.31/= as assessed and awarded by the *Directorate of Occupation Health and Safety under the Work Injury Benefits Act (WIBA) 2007* in an award dated 23rd June 2023.
 3. That this Honourable Court be pleased to order the respondent to pay at the Applicant interest on the said sum of Kshs.461,980.31/= at 14% per annum from 23rd June 2023 to date of full payment.
 4. That the costs of this cause be borne by the respondent in any event.
2. The Director of Occupational Safety and Health Services assessed the applicant's dues at Kshs.427,708/80 by the documents dated 23rd June 2023. The total award is Kshs.461,980/31.
3. The Applicant states in his supporting affidavit deponed on 16th October 2024 that they have since made several demands to the Respondent to settle the same but the Respondent has not made the payments.
4. The court is not informed by the respondent that they opposed or appealed the award by the Directorate and so the award remains in force and should have been settled therefore.



5. The *Employment and Labour Relations Court (Procedure) Rules 2024* provides in Section 69(1) that: -

“Where parties have entered into a conciliation, negotiation or mediation agreement or are bound by an arbitral award or a lawful decision reached in alternative Justice system a party may file the award or decision or agreement for adoption and enforcement as an order of the court.”

6. The court is pleased to order the respondent therefore to forthwith pay to the applicant a sum of Kshs.461,960/31 as assessed and awarded by the *Directorate of Occupational Health and Safety under Work Injury Benefits Act (WIBA) 2007* in an award of full payment.

7. Further interest will accrue from 23rd June 2023 at 14% per annum till full payment and costs of this application to be paid by the Respondent to the applicant.

Orders accordingly.

DATED, SIGNED AND DELIVERED VIRTUALLY IN NAKURU THIS 31ST DAY OF OCTOBER, 2024.

ANNA NGIBUINI MWAURE

JUDGE

ORDER

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of the Constitution which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of Section 1B of the Procedure Act (Chapter 21 of the Laws of Kenya) which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

ANNA NGIBUINI MWAURE

JUDGE

