



**Abong'o v Kenya Post Office Savings Bank (Cause 988 of 2013)
[2023] KEELRC 1317 (KLR) (30 May 2023) (Ruling)**

Neutral citation: [2023] KEELRC 1317 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 988 OF 2013
NZIOKI WA MAKAU, J
MAY 30, 2023**

BETWEEN

DONNA M. A. ABONG'O CLAIMANT

AND

KENYA POST OFFICE SAVINGS BANK RESPONDENT

RULING

1. The Claimant/Applicant seeks review of the judgment of the Court made on 12th February 2019 on grounds that there exists an error apparent on the face of the record, fresh evidence has just been brought to the notice of the applicant and that there are sufficient grounds upon which the Honourable Court should be pleased to review its judgment delivered on 12th February 2019. In her supporting affidavit, the Claimant submits that she has noted that the previous advocate did not make submissions on the issue of general damages. She asserts that although she was absolved of any wrongdoing, the actions of the Respondent have left a blot on her career.
2. In an application for review, the applicant is required to surmount the following:- in order to obtain a review an applicant has to show to the satisfaction of the court that there has been discovery of new and important matter or evidence which was not within his knowledge or could not be produced at the time when the order to be reviewed was made. An applicant may have to show that there was a mistake or error apparent on the face of the record or for any other sufficient reason. In the mind of the court, this and any application for review will only be allowed on strong grounds particularly if its effect will amount to re-opening the matter afresh. I have tried to ascertain what the new evidence the Claimant has and have found none. The grounds advanced for review are also tenuous. In other words, I find no material before me to demonstrate that the applicant has in her possession or at the very least that there is the existence of new evidence which she could not get even after exercising due diligence. In the premises I find the application without merit and dismiss it. Failure to consider or award general damages is not a ground for review but may be a ground for appeal. As the Claimant has



opted to exercise review which was filed so long after the decision, there is nothing for the Court to do.
Application dismissed albeit with no order as to costs.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 30TH DAY OF MAY 2023

NZIOKI WA MAKAU

JUDGE

