



**Osiri v Onda Mechanical E.A. Limited & another; County Director of Occupational Safety & Health Services (Interested Party) (Employment and Labour Relations Appeal E157 of 2021) [2022] KEELRC 4075 (KLR) (29 September 2022) (Ruling)**

Neutral citation: [2022] KEELRC 4075 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
EMPLOYMENT AND LABOUR RELATIONS APPEAL E157 OF 2021**

**J RIKA, J  
SEPTEMBER 29, 2022**

**BETWEEN**

**GEOFFREY NYAKERIGA OSIRI ..... APPLICANT**

**AND**

**ONDA MECHANICAL E.A. LIMITED ..... 1<sup>ST</sup> RESPONDENT**

**FIRST ASSURANCE COMPNAY LIMITED ..... 2<sup>ND</sup> RESPONDENT**

**AND**

**COUNTY DIRECTOR OF OCCUPATIONAL SAFETY & HEALTH SERVICES ..... INTERESTED PARTY**

**RULING**

1. This matter was placed before this court on December 1, 2021.
2. The court observed and directed that it is not clear, if the pleadings presented by the applicant are in the nature of a miscellaneous application, an appeal or a cause; the title indicates appeal; leave to appeal cannot be granted ex parte; and the matter was reverted to the applicant for reconsideration.
3. On June 9, 2022, the applicant's advocate appeared before the deputy registrar, informing the deputy registrar that he intended to withdraw the matter, and had filed a notice of withdrawal that morning. The matter was fixed for mention before the undersigned judge, on July 6, 2022.
4. Surprisingly, on July 6, 2022, the applicant's advocate told the court that he had filed submissions and wished to have a ruling date. Nothing was said of withdrawal. Nothing was said of the court's concern, on the nature of the pleadings filed herein.
5. The court finds that there is a notice of withdrawal of the matter, dated June 7, 2022.



6. The matter is marked as withdrawn with no order on the costs. The file is closed.

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAIROBI,  
UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, THIS 29<sup>TH</sup>  
DAY OF SEPTEMBER 2022.**

**JAMES RIKA**

**JUDGE**

