



**Robert v SGS Kenya Limited (Cause E523 of 2020)
[2022] KEELRC 12727 (KLR) (29 September 2022) (Ruling)**

Neutral citation: [2022] KEELRC 12727 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E523 OF 2020
J RIKA, J
SEPTEMBER 29, 2022**

BETWEEN

TIBBS VINCENT ROBERT CLAIMANT

AND

SGS KENYA LIMITED RESPONDENT

RULING

1. Judgment was delivered in favour of the claimant, on February 25, 2022.
2. The claimant was awarded a total amount of Kshs 36,077,855, which includes terminal benefits, damages and compensation for unfair termination.
3. The respondent filed an application dated April 6, 2022, seeking an order of stay of execution of judgment, pending appeal.
4. On June 7, 2022, the claimant’s Advocate informed the court that parties are in agreement on the order of stay of execution, but disagree on the nature of the security to be offered by the respondent.
5. The respondent proposes to offer security in the form of a bank guarantee. The claimant is of the view that the proposed bank guarantee is nondescript. The claimant submits that it is in the discretion of the court, to determine the nature of security.
6. The court upholds the claimant’s position. The position is underscored in [*Foch Motorcycle Co. Limited v. Ann Wambui & Anor.*](#) [2018] e-KLR where it was held that parties are free to propose security, but it is in the discretion of the court to determine appropriate security.

It is ordered: -

- a. The whole decretal amount shall be deposited in a joint, interest earning bank account, in the names of the claimant’s and the respondent’s Advocates.



- b. Deposit shall be made within 14 days of the delivery of this ruling.
- c. In default the claimant shall be at liberty to execute.

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

JAMES RIKA

JUDGE

