



**Sugut v Nandi Tea Estates Limited (Miscellaneous Civil Application  
E023 of 2021) [2022] KEELRC 4163 (KLR) (23 September 2022) (Ruling)**

Neutral citation: [2022] KEELRC 4163 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT ELDORET  
MISCELLANEOUS CIVIL APPLICATION E023 OF 2021  
NJ ABUODHA, J  
SEPTEMBER 23, 2022**

**BETWEEN**

**KEVIN KIBET SUGUT ..... CLAIMANT**

**AND**

**NANDI TEA ESTATES LIMITED ..... RESPONDENT**

**RULING**

1. It is true that WIBA does not provide for the procedure for the enforcement of the decisions of the director, occupational safety and health. The court however takes the view that it borders on undue technicality to exploit such procedural lacuna in law to delay or defeat what is otherwise a legitimate expectation for compensation of a person who has been injured in the course of his employment and an assessment done by the director –OSH. Of what use would be an assessment if it cannot be enforced?
2. The contention by counsel for the respondent that if the court adopts the assessment of the director – OSH and allows it to be enforced as the decree of the court would amount to condemning the employer (his client) unheard is not correct.
3. Part iv on reporting accidents involves the employer throughout the process hence it is not correct as counsel for the respondent asserts that in adopting the assessment of the director-OSH which is a concluded process involving the employer, his client would have been condemned unheard.
4. The objection is therefore found without merit and is hereby dismissed with costs.
5. It is so ordered.

**DATED AND DELIVERED AT ELDORET THIS 23<sup>RD</sup> DAY OF SEPTEMBER, 2022**

**Abuodha Nelson Jorum**

**Judge ELRC**

