

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

MISC CAUSE NO. 50 OF 2019

DAUD NUR HAJI.....CLAIMANT

VERSUS

WAJIR COUNTY ASSEMBLY SERVICE BOARD.....RESPONDENT

JUDGMENT

1. The Claimant is employed by the respondent as Deputy Sergeant at Arms On 14.2.2018, while on duty on the floor of the county Assembly he was injured by county officials rising chairs and suffered deep cuts in his right hand fingers.
2. After the ordeal, the claimant was treated and on 18/6/2018, the County Occupational Health and Safety Officer, Garissa assessed the degree of permanent incapacity as 30% and based on the claimants monthly salary of Kshs. 103,330, assessed the compensation payable to the claimant at Kshs. 2,975,904 as per DOSH/WIDA4 filed as DEX – 3.
3. On 13.5.2019 the claimant, filed Notice of Motion dated 9.5.2019 praying that court enters judgment for him in terms of the quantum of damages assessed by the Occupational Health and Safety Officer. He amended the Notice of Motion on 11.7.2019 to correct the name of the respondent.
4. The respondent was served with both the original and the amended motion but never filed any response in opposition to the motion. Consequently, and on the basis of the uncontested assessment of both the degree of permanent incapacity and the quantum of damages payable, I proceed to enter judgment in favour of the claimant and against the respondent in the sum of Kshs. 2,975,904 plus costs and interest at court rate from the date of filing application herein.

Dated, signed and delivered in Nairobi in open court this 17th day of January, 2020.

ONESMUS MAKAU

JUDGE