



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI

CAUSE NO. 1012 OF 2010

PAUL MISORI ORAGOCLAIMANT

VERSUS

CITY COUNCIL OF NAIROBI RESPONDENT

Mr. Ogeto Ongori for the Claimant / Applicant

Mr. Kwanga for the Respondent

RULING

1. Claimant seeks review of the judgment of the Court dated 8th November 2013 as follows;
 1. Substitute the Award of terminal benefits, compensation and exemplary damages in the sum of Kshs.772,025/= by an Award of reinstatement and in the alternative;
 2. apply the Gross salary at scale 16 that would have been earned by the Claimant as at the date of Judgment in the sum of Kshs.44,000/= (Kshs.29,000/= basic salary plus Kshs.15,000/= House allowance), in the calculation of damages in place of the Gross salary of Kshs.18,135/= (Basic salary Kshs.11,385 plus House Allowance of Kshs.6,750/=) which appertained at the time of termination.
2. this salary applied in the Judgment was based on the CBA in place then and the payslip for the month of July 2006.
3. The Applicant prays that the total Award of Kshs.772,025/= be substituted by a total Award of kshs.1,160,000/=.
4. Review of Judgment of The Industrial Court is governed by **Rule 32** of the **Industrial Court (Procedures) Rule, 2010** where;
 1. there is a discovery of new and important matter or evidence which was not in the knowledge of the applicant inspite exercise of due diligence;
 2. on account of some mistake or error apparent on the face of the record; or
 3. if the Judgment is in breach of any written law; or
 4. if the Judgment requires clarification; and
 5. for any other sufficient reasons.

The present applicant does not rely on any of the above permissible grounds to warrant a review of the Judgment of the Court.

The Application is without merit and accordingly dismissed with costs to the respondent.

Dated and Delivered at Nairobi this 25th day of July, 2014.

MATHEWS N. NDUMA

PRINCIPAL JUDGE