

RAJMAN PAHALSINGH VS SVIR BUILDERS LTD

2024 IND 65

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Cause Number: 456/22

THE INDUSTRIAL COURT OF MAURITIUS

(CIVIL DIVISION)

In the matter of:-

RAJMAN PAHALSINGH

Plaintiff

VS

SVIR BUILDERS LTD

Defendant

JUDGMENT

Introduction

The Plaintiff was in the continuous employment of the Defendant as a mason since the 16th August 2021. By virtue of a claim backed by the Plaintiff's testimony in Court, he is claiming from the Defendant, the sum of Rs 5,500 /- representing the end of year bonus for the year 2021.

The facts

The Plaintiff testified that he was working on a 5-day week basis for and in consideration of a daily basic rate of Rs 1,000/-. He was remunerated at fortnightly intervals. He was last worked on the 23rd December 2021 and the Defendant has failed to provide him with work as from that date. He averred that he has not been paid the end of year bonus for the year 2021.

In the present case, the Defendant has left default despite a substituted service effected by posting a true and certified copy of the Plaint at the premises of the Defendant.

Observations

I have assessed the evidence on record. It is to be remembered that “*making out a case does not mean that one has got to jump both feet all over the principles of evidence and all the matters required in order to make out a case...*”. **(VELVINDRON VS NOORDALLY (1979) MR 243).**

In the present case, the Plaintiff has undisputedly established that the Defendant has failed to pay the end of year bonus to him. The version of the Plaintiff has remained credible, unchallenged and unshattered. In the circumstances, I find that the Defendant is therefore indebted to the Plaintiff in the sum of Rs 5,500/-representing the end of year bonus for the year 2021.

Conclusion

In light of the above, I find that the Plaintiff has established his case on a balance of probabilities. I order the Defendant to pay to the Plaintiff the sum of Rs 5,500.

Judgment delivered by: M.GAYAN-JAULIMSING, Ag President, Industrial Court

Judgment delivered on: 20th November 2024