

Toraub v Island Media Services Ltd

2025 IND 61

THE INDUSTRIAL COURT OF MAURITIUS

(Civil Side)

In the matter of:-

CN 286/2024

Sheik Mohammad Jameel Toraub

PLAINTIFF

v.

Island Media Services Ltd

DEFENDANT

JUDGMENT

1. The Plaintiff avers in his plaint that he was in the continuous employment of the Defendant as Graphic Designer/Camera Operator since 01 December 2019. He was employed on a 5-day week basis. The Plaintiff contends that he was remunerated at monthly intervals at the basic rate of Rs 14,000. per month in 2020 and should have been paid Rs 14,375. per month as from January 2021. The Plaintiff avers that the Defendant has failed to remunerate him as from November 2020 due to financial difficulties as told by the Defendant's director. It is further averred that, at a meeting held at Curepipe Labour Office on 12 July 2021, the said director verbally informed the Plaintiff that his employment was being terminated with immediate effect on the ground of financial difficulties. Through the present action, the Plaintiff is claiming a total sum of Rs 171,266.10 representing outstanding payments owed to him.

2. The Defendant company having left default, the Plaintiff was allowed to make out his case. The Plaintiff reiterated the averments of his plaint under solemn affirmation.

3. I have assessed the Plaintiff's claim. The case for the Plaintiff has remained unrebutted in the absence of the Defendant. In the circumstances, I find it safe to rely on the Plaintiff's account of events, as explained in his plaint and confirmed in Court. I have no reason to doubt the Plaintiff's version and consider his averments established on a balance of probabilities. The Plaintiff is, therefore, entitled to the following sums:

(a)	One month's wages as indemnity in lieu of notice:	Rs 14,375.00
(b)	Outstanding wages for the months of November and December 2020 (Rs 14,000. x 2 months):	Rs 28,000.00
(c)	Outstanding wages for the period 01.01.2021 to 12.07.2021 (Rs 14,375. x 6 months) + (Rs 14,375./22 x 10 days):	Rs 92,784.09
(d)	End-of-year bonus for the year 2020:	Rs 14,000.00
(e)	End-of-year bonus for the year 2021 <i>pro rata</i> (Rs 92,784.09 x 1/12):	Rs 7,732.01
(f)	Refund of outstanding annual leave for the year 2021 (Rs 14,375./22 x 22 days):	<u>Rs 14,375.00</u>
	TOTAL:	<u>Rs 171,266.10</u>

4. Pursuant to section 27(6) of the Workers' Rights Act ("the Act"), *"where a claim of non-payment or short payment of wages is made to the Court, the Court may, where it thinks fit, order an employer to pay interest at a rate not exceeding 12 per cent in a*

year on the amount of remuneration due from the date of non-payment or short payment to the date of payment."

5. In the light of the above, I order the Defendant to pay to the Plaintiff the sum of Rs 171,266.10 together with interest at the rate of 12% per annum on the amount of remuneration due from the date of non-payment to the date of payment.

22 August 2025

M. ARMOOGUM

Magistrate