

**ALAN JAMES ALETTE LEMINCE VS SOCIETE RADIOPHONIQUE DES  
MASCAREIGNES**

**2024 IND 58**

**ALAN JAMES ALETTE–LEMINCE VS SOCIETE RADIOPHONIQUE DES  
MASCAREIGNES LTD**

Cause Number: 247/2023

**THE INDUSTRIAL COURT OF MAURITIUS**

(CIVIL DIVISION)

In the matter of:-

**ALAN JAMES ALETTE–LEMINCE**

Plaintiff

**VS**

**SOCIETE RADIOPHONIQUE DES MASCAREIGNES LTD**

Defendant

**JUDGMENT**

*Introduction*

The Plaintiff was in the continuous employment of the Defendant as a Web Developer since the 31st August 2020. By virtue of a claim backed by the Plaintiff's testimony in Court, he is claiming from the Defendant, the sum of Rs 28,000/- representing one month's wage as indemnity in lieu of notice.

*The facts*

The Plaintiff testified that he was working on a 5-day week basis for and in consideration of a monthly terminal basic wage of Rs 28,000. He averred that by way of letter dated the 06<sup>th</sup> October 2020, the Defendant terminated his employment without notice and without justification. The Plaintiff is therefore claiming from the Defendant the sum of Rs 28,000/- representing one month's wage as indemnity in lieu of notice.

In the present case, the Defendant has left default despite a personal service effected on the Defendant on the 28<sup>th</sup> June 2024.

### *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 is indebted to him in the sum of Rs 28,000 representing one month’s wage as indemnity in lieu of notice.

### *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 28,000/- together with compensation for wages lost or expenses incurred in attending Court.

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

Judgment delivered on: 18<sup>th</sup> October 2024