

Tatayah N. v Istanbul Delights Co Ltd

2025 IND 77

Cause Number 317/24

IN THE INDUSTRIAL COURT OF MAURITIUS
(Civil side)

In the matter of:

Ms. Tatayah Nandani

Plaintiff

v.

Istanbul Delights Co Ltd

Defendant

Judgment

This is a case where Defendant has not filed any plea following the lodging of Plaintiff's plaint and has also left default although it was duly summoned.

The trial has proceeded in its absence pursuant to section 16 (1) of the District and Intermediate Courts (Civil Jurisdiction) Act and the evidence led by the Plaintiff is to the effect that she was in the continuous employment of Defendant as Cook since 4.9.2019.

She was employed on a 6- day week basis and her terms and conditions of employment were governed by the Catering (Remuneration) Regulations 2019 GN no.206 of 2019. She was remunerated at a monthly interval at the terminal rate of Rs 12,675 per month instead of Rs

13,265 [as per her pay slip (Doc. P1)]. She last worked for Istanbul Delights Co Ltd on 2.12.2021 at Bagatelle outlet.

She was informed verbally about the closure of the outlet on 2.12.2021 with immediate effect. She has not been remunerated for period 21.11.2021 to 2.12.2021. She has not been refunded her bus fare for period 21.11.2021 to 2.12.2021. She has not been paid her end of year bonus for 2021. At the time of termination of employment, she had 18 days outstanding annual leave.

Therefore, Plaintiff has claimed from Defendant the sum of Rs. 47,853.58 made up as follows: one month's wages in lieu of notice: Rs 13,265, salary for period 21.11.2021 to 2.12.2021: Rs 5,612.12, refund of bus fare for period 21.11.2021 to 2.12.2021: Rs 1,188, arrears on wages for period (January 2021 to November 2021): Rs 6,490, end of year bonus 2021(pro-rata): Rs 12,115 and refund of 18 days outstanding annual leave 2021: Rs 9,183.46. She has also claimed travel expenses in attending Court on 3 occasions in the sum of Rs 180.

Default judgments are governed by section 16 (1) of the District and Intermediate Courts (Civil Jurisdiction) Act in conformity with section 7(1) of the Industrial Court Act 1973.

Section 16 (1) of the District and Intermediate Courts (Civil Jurisdiction) Act provides:

"Where on the day so fixed in the summons, or at any continuation or adjournment of the Court or cause in which the summons was issued, the defendant does not appear, or does not sufficiently excuse his absence, the Court, upon proof of the service of the summons, may give judgment in terms of the plaint or, where the cause includes a claim for substantial damages, proceed to the hearing of the witnesses and trial of the cause on the part of the plaintiff only, and in either case, the judgment shall, subject to subsection (2), be as if both parties had attended." (emphasis added)

I have given due consideration to all the evidence put forward before me.

The straightforward and sound testimony of Plaintiff in line with her pay slip (Doc. P1), has remained uncontested, undisputed and unchallenged throughout. Thus, I have no qualms about her being a witness of truth.

For all the reasons given above, I find that the case for the Plaintiff has been proved on a balance of probabilities. I, accordingly, give judgment in terms of the plaint as per section 16 (1) of the District and Intermediate Courts (Civil Jurisdiction) Act.

I order Defendant to pay to the Plaintiff the sum of Rs. 47,853.58 representing [one month's wages in lieu of notice: Rs 13,265, salary for period 21.11.2021 to 2.12.2021: Rs 5,612.12, refund of bus fare for period 21.11.2021 to 2.12.2021: Rs 1,188, arrears on wages for period (January 2021 to November 2021): Rs 6,490, end of year bonus 2021(pro-rata): Rs 12,115 and refund of 18 days outstanding annual leave 2021: Rs 9,183.46] 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. I also order Defendant to pay to the Plaintiff travel expenses in attending Court thrice in the sum of Rs 180.

S.D. Bonomally (Mrs.) (Vice President)

19.11.2025