

MARIE JEANNINE PAVILLON VS JACK TELLOR LIMITED

2025 IND 31

**MARIE JEANNINE PAVILLON VS JACK TELLOR (International)
LIMITED**

Cause Number: 20/19

THE INDUSTRIAL COURT OF MAURITIUS

In the matter of:-

MARIE JEANNINE PAVILLON

Plaintiff

VS

JACK TELLOR (International) LIMITED

Defendant

JUDGMENT

Introduction

The Plaintiff was in the continuous employment of the Defendant as an unskilled worker since the 25th March 1992. By virtue of a claim backed by the Plaintiff's testimony in Court, she is claiming from the Defendant, the sum of Rs 555,271.88 representing severance allowance for 303 months of continuous service and refund of annual leave for the year 2017.

The facts

The Plaintiff testified that she was employed on a 5-day week basis. Her terms and conditions of employment were governed by the Export Enterprises (Remuneration) Regulations of 1984, GN 191 of 1984. She was remunerated at the terminal basic monthly rate of Rs 37.50 per hour.

The Plaintiff averred that by way of letter dated the 25th May 2017, the Defendant terminated her employment on 26th June 2017 with immediate effect on economic ground. She considered the termination of employment to be unjustified on the ground that Defendant has retained the services of other workers reckoning lesser years of service at her expense, thus flouting the principle of 'last in, first out'.

She contended that at the time of termination of her employment, she had not been refunded 4 days outstanding annual leave for the year 2017. She is therefore claiming from the Defendant the sum of Rs 555,271.88 representing severance allowance for 303 months continuous service and refund of annual leave.

In the present case, the Defendant has left default despite being personally present at a previous Court sitting.

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 terminated her employment in breach of the principle of ‘last in, first out’. The version of the Plaintiff has remained credible, unchallenged and unshattered. The Defendant is therefore indebted to the Plaintiff in the sum of Rs 555,271.88 representing severance allowance for 303 months continuous service and refund of annual leave.

Conclusion

In light of the above, I find that the Plaintiff has established her case on a balance of probabilities. I order the Defendant to pay to the Plaintiff the sum of Rs 555,271.88/- together with interests at the rate of 12% per annum on the amount of remuneration due from the date of non-payment to the date of payment.

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

Judgment delivered on: 01st April 2025

