

MOHUNLALL ROOPSING VS DEFENCE HITECH SECURITY SERVICES LTD

2023 IND 59

MOHUNLALL ROOPSING VS DEFENCE HITECH SECURITY SERVICES LTD

Cause Number: 442/2022

THE INDUSTRIAL COURT OF MAURITIUS

In the matter of:-

MOHUNLALL ROOPSING

Plaintiff

VS

DEFENCE HITECH SECURITY SERVICES LTD

Defendant

Judgment

Introduction

The Plaintiff was in the continuous employment of the Defendant as a watchperson since the 2nd January 2018. By virtue of a claim backed by the Plaintiff's testimony in Court, he is claiming from the Defendant the sum of Rs 94,832.69/- representing outstanding wages, end of year bonus, outstanding remuneration and annual leave.

The facts

The Plaintiff testified that he was employed on a 6 day-week basis for and in consideration of a monthly basic wage of Rs 8,500. He was not paid the additional remuneration of Rs 400 for the period of January to November 2019. He was paid the sum of Rs 7,975 instead of Rs 8,900 for the month of December 2019 and should have been paid a basic salary of Rs 9,700 per month as from January 2020, as per the National Minimum wages Regulations 2019, GN No.17 of 2020.

He averred that he worked on 3 normal working days and on 3 public holidays for the period of the 1st January 2020 to 6th January 2020 and the Defendant failed to remunerate him. The Defendant paid him Rs 2,000 instead of Rs 8,5000 as end of year bonus for the year 2018 , failed to pay him an end of year bonus for 2019, failed to remunerate him for 306 hours at twice the rate for work performed on Sundays and public holidays for the period of the 15th August 2018 to the 31st December 2019 and for the period of 01st January 2019 to the 31st December 2019. He further averred that the Defendant failed to pay him the 22 days outstanding annual leave for the year 2019 as well as wages.

In view of the above, the Plaintiff claimed from the Defendant the sum of Rs 94,832.69/- made up as follows:

(i)	Arrears in wages for period January to November 2019	Rs 4,400.00
(ii)	Balance on wages for period December 2019	Rs 925.00
(iii)	Outstanding wages for period 01.01.20 to 06.01.2020	Rs 3,357.69
(iv)	Balance of end of year bonus for year 2018	Rs 6,500.00
(v)	Outstanding end of year bonus for year 2019	Rs 8,900.00
(vi)	Remuneration for extra work for 01.01.2019 to 31.12.2019	Rs 45,869.23
(vii)	Remuneration for extra work for 15.08.2018 to 31.12.2018	Rs 16,673.08
(viii)	Refund of annual leave for year 2019	Rs 8,207.69

		Rs 94,832.69

In the present case, the Defendant has left default despite a good service effected on the Director of the Defendant on the 3rd March 2023 and despite having been served with a notice of the Plaint with advice of delivery and receipt on the 4th May 2023.

Observations

I have assessed the evidence on record and the documents produced. 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).**

The undisputed facts of the case reveal that the Plaintiff was in the continuous employment of the Defendant from the 02nd January 2018. The Plaintiff was legally entitled to a monthly wage. The Plaintiff has undisputedly established that the Defendant has failed to pay to him the outstanding wages, bonus, remuneration and allowances. 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 94,832.69/- representing the outstanding wages, bonus, remuneration and allowances.

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 94,832.69/- 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, Industrial Court

Judgment delivered on: 05th July 2023