

SERGE ALLAT VS STAR PROMOTERS LTD

2024 IND 31

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Cause Number: 346/23

THE INDUSTRIAL COURT OF MAURITIUS

(CIVIL DIVISION)

In the matter of:-

SERGE ALLAT

Plaintiff

VS

STAR PROMOTERS LTD

Defendant

JUDGMENT

Introduction

The Plaintiff was in the continuous employment of the Defendant as a carpenter since the 17th June 2021. By virtue of a claim backed by the Plaintiff's testimony in Court, he is claiming from the Defendant, the sum of Rs 44,199.99/- representing one month's wages as indemnity in lieu of notice and the end of year bonus for the year 2021.

The facts

The Plaintiff testified that he was working on a 6-day week basis for and in consideration of a daily basic rate of Rs 1,200/-, payable on a fortnightly basis. He averred that on the 8th November 2021, the Defendant's prepose told him that the Defendant was terminating his employment. He considered that the employment was terminated without notice and justification and the Defendant has further failed to pay to him the end of year bonus. The Plaintiff therefore claimed from the Defendant the sum of Rs 44,199.99/- representing one month's wages as indemnity in lieu of notice and the end of year bonus for the year 2021.

In the present case, the Defendant has left default despite a personal service by post in 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 has terminated his employment without notice and justification. 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 44,199.99/- representing one month's wages as indemnity in lieu of notice and the end of year bonus for the year 2021.

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 44,199.99.

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

Judgment delivered on: 08th August 2024