

Beekarry v Marsupillami Co Ltd

2025 IND 70

THE INDUSTRIAL COURT OF MAURITIUS
(Civil Side)

In the matter of:-

CN 455/2024

Reshma BEEKARRY

PLAINTIFF

v.

MARSUPILLAMI CO LTD

DEFENDANT

JUDGMENT

1. The Plaintiff avers that she was in the continuous employment of the Defendant as Salesperson on a 6-day week basis. She was employed from 02 September 2019 to 10 August 2023. According to her plaint, her terms and conditions of employment were governed by the Distributive Trades (Remuneration) Regulations 2019. However, she was remunerated at monthly intervals at the basic rate of Rs 5,000. and was, thus, underpaid as detailed in her plaint. The Plaintiff is, therefore, claiming from the Defendant arrears in wages and end-of-year gratuity. She is also praying for payment of outstanding wages for 10 days' work in the month of August 2023.

2. The Defendant company having left default, the Plaintiff was allowed to make out her case.

3. The Plaintiff reiterated the averments of her plaint under solemn affirmation. She affirmed that she was never provided any payslip. She prayed for judgment in the sum of Rs 144,494.59 plus interest.

4. I have assessed the Plaintiff's case. Same has remained uncontradicted in the absence of the Defendant. In the circumstances, I find it safe to rely on the Plaintiff's unchallenged account of events, as set out in the plaint and confirmed in Court. I have no reason to doubt the Plaintiff's version and consider her averments established on a balance of probabilities.

5. The Defendant is, thus, indebted to the Plaintiff in the following sums:

(i)	Arrears in wages for the period January 2022 to June 2022 (Rs 10,995. – Rs 5,000.) x 6 months:	Rs 35,970.00
(ii)	Arrears in wages for the period July 2022 to August 2022 (Rs 11,295. – Rs 5,000.) x 2 months:	Rs 12,590.00
(iii)	Arrears in wages for the period September 2022 to December 2022 (Rs 11,491. – Rs 5,000.) x 4 months:	Rs 25,964.00
(iv)	Arrears in wages for the period January 2023 to June 2023 (Rs 12,491. – Rs 5,000.) x 6 months:	Rs 44,946.00
(v)	Arrears in wages for July 2023 (Rs 12,791. – Rs 5,000.):	Rs 7,791.00
(vi)	Arrears on end-of-year gratuity 2021 (Rs 10,495. – Rs 5,000.):	Rs 5,495.00
(vii)	Arrears on end-of-year gratuity 2022 (Rs 11,491. – Rs 5,000.):	Rs 6,491.00
(viii)	Outstanding wages for period 01 to 10 August 2023	

(Rs 12,791./195 x 8 hours x 10 days): Rs 5,247.59

TOTAL: **Rs 144,494.59**

6. Pursuant to section 27(6) of the Workers' Rights Act ("the Act"), "*where a claim of non-payment or short payment of wages is made to the Court, the Court may, where it thinks fit, order an employer to pay interest at a rate not exceeding 12 per cent in a year on the amount of remuneration due from the date of non-payment or short payment to the date of payment.*"

7. In the light of the above, I give judgment for the Plaintiff in the sum of Rs 144,494.59, together with interest at the rate of 12% per annum on the amount of wages due from the date of non-payment or short payment to the date of payment.

08 October 2025

M. ARMOOGUM

Magistrate