

SACHIN SHARMA SOBRON VS SILVERTOURS LTD

2024 IND 54

SACHIN SHARMA SOBRON VS SILVERTOURS LTD

Cause Number: 500/2023

THE INDUSTRIAL COURT OF MAURITIUS

(CIVIL DIVISION)

In the matter of:-

SACHIN SHARMA SOBRON

Plaintiff

VS

SILVERTOURS LTD

Defendant

JUDGMENT

Introduction

The Plaintiff was in the continuous employment of the Defendant as a driver grade III since August 2019. By virtue of a claim backed by the Plaintiff's testimony in Court, he is claiming from the Defendant, the sum of Rs 28,200/- representing balance of wages due from March to August 2020.

The facts

The Plaintiff testified that he was working on a 6-day week basis for and in consideration of a monthly terminal basic wage of Rs 15,200. He averred that he was paid only Rs 15,000 for March 2020, Rs 8,000 per month for the period of April 2020 to June 2020 and Rs 12,000 per month for July and August 2020 respectively as wages.

The Plaintiff is therefore claiming from the Defendant the sum of Rs 28,200/- representing balance of wages from the month of March to August 2020 which are outstanding.

In the present case, the Defendant has left default despite a personal service effected on the secretary of the Defendant company at its registered office on the 30th August 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 is indebted to him in the sum of Rs 28,200 representing balance of wages due from March to August 2020.

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 28,200/- 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 and Rs 480 representing transport expenses incurred in attending Court.

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

Judgment delivered on: 15th October 2024