

MOHAMMAD MUZAMMIL HOSANY VS VINOD LUTCHMUNROY

2024 IND 29

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Cause Number: 20/23

THE INDUSTRIAL COURT OF MAURITIUS

(CIVIL DIVISION)

In the matter of:-

MOHAMMAD MUZZAMIL HOSANY

Plaintiff

VS

VINOD LUTCHMUNROY

Defendant

JUDGMENT

Introduction

The Plaintiff was in the continuous employment of the Defendant as a mixer since the 4th August 2020. By virtue of a claim backed by the Plaintiff's testimony in Court, he is claiming from the Defendant, the sum of Rs 15,600 /- representing 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 600/-. He was last worked on the 31st December 2021 and he averred that he has not been paid the end of year bonus for the year 2021 which is the equivalent sum of a month's wage. The Plaintiff claimed from the Defendant the sum of Rs 15,600.

In the present case, the Defendant has left default despite a substituted service effected by posting a true and certified copy of the Plaintiff at the main gate of the Defendant's premises on the 6th 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 failed to pay the end of year bonus to him. 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 15,600/-representing 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 15,600.

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

Judgment delivered on: 25th July 2024