

Sewsankar v World Class Garden Services Ltd

2025 IND 26

THE INDUSTRIAL COURT OF MAURITIUS
(Civil Side)

In the matter of:-

CN 495/2023

Bhawoo Sewsankar

PLAINTIFF

v.

World Class Garden Services Ltd

DEFENDANT

JUDGMENT

1. The Plaintiff avers in his plaint that he was employed by the Defendant on a 6-day-week basis as gardener since 01 August 2014, with a basic monthly salary of Rs 10,575. By way of letter dated 01 April 2022, which the Plaintiff affirms having received on 31 May 2022, he was informed that his employment would be terminated on 31 May 2022 on economic grounds. He last worked on 31 May 2022. The Plaintiff contends that he was only paid Rs 10,000. as wages for the month of April 2022, and was not remunerated for the month of May 2022. According to the Plaintiff, the Defendant also failed to pay him an end-of-year bonus for the year 2022. The Plaintiff is, therefore, claiming the sum of Rs 26,131.25 from the Defendant.

2. Despite due service of process, the Defendant left default. The Plaintiff was thus allowed to make out his case.

3. In Court, the Plaintiff reiterated under solemn affirmation the averments of his plaint. He produced copies of his payslip for the month of October 2020 (**Document P1**), his letter of termination (**Document P2**) and an extract of his statement of account (**Document P3**), respectively.

4. I have considered the evidence on record, which has remained unrebutted as the Defendant failed to appear to put up any defence to the Plaintiff's assertions. I hence have no reason to doubt the Plaintiff's version. I, therefore, find proved on a balance of probabilities that the following sums are due to the Plaintiff:

(i)	One month's wages as indemnity in lieu of notice:	Rs 10,575.00
(ii)	Balance of wages for the month of April 2022	
	(Rs 10,575. - Rs 10,000.):	Rs 575.00
(iii)	Outstanding wages for the month of May 2022:	Rs 10,575.00
(iv)	End-of-year bonus for the year 2022 <i>pro rata</i>	
	(Rs 10,575. x 5/12):	<u>Rs 4,406.25</u>
TOTAL:		<u>Rs 26,131.25</u>

5. Moreover, pursuant to section 27(6) of the Workers' Rights 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.*"

6. In the light of the above, I order the Defendant to pay to the Plaintiff the sum of Rs 26,131.25 together with interest at the rate of 12% per annum on the amount of remuneration due from the date of non-payment/short payment to the date of payment.

04 April 2025

M. ARMOOGUM

Magistrate