

**Boygah v Empowering People Ltd**

**2025 IND 56**

**THE INDUSTRIAL COURT OF MAURITIUS**

**(Civil Side)**

**In the matter of:-**

**CN 284/2024**

**Hemraz Boygah**

**PLAINTIFF**

**v.**

**Empowering People Ltd**

**(trading as Dollar Win)**

**DEFENDANT**

**JUDGMENT**

1. The Plaintiff avers that he was in the continuous employment of the Defendant as Branch Supervisor on a 6-day week basis since 01 January 2018. He was remunerated at monthly intervals at the terminal basic rate of Rs 22,675. in the year 2021 and Rs 23,075. in the year 2022. The Plaintiff further avers that he ought to have been paid Rs 24,075. per month as from January 2023. However, the Defendant failed to pay to him wages for the months of December 2022 and January 2023. The Plaintiff, accordingly, construes his employment as having been terminated by the Defendant on 09 February 2023, without notice and without justification. In his plaint, the Plaintiff sets out a series of short payment of wages, and other sums due to him by his

former employer, including severance allowance, which he is now claiming from the Defendant.

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

3. The Plaintiff reiterated the averments of his plaint under solemn affirmation. He produced copies of his contract of employment (**Document P1**), payslip for the month of December 2021 (**Document P2**), payslip for the month of May 2022 (**Document P3**), statement of account (**Document P4**) and his payslip for the month of March 2021 (**Document P5**).

4. I have assessed the Plaintiff's claim. The case for the Plaintiff has remained unrebutted in the absence of the Defendant. In the circumstances, I find it safe to rely on the Plaintiff's account of events, as detailed in his plaint and confirmed in Court. I have no reason to doubt the Plaintiff's version and consider his averments established on a balance of probabilities. I find that the Plaintiff's employment was constructively terminated by the Defendant without notice nor justification and that he is entitled to the amounts claimed.

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

(a) wages short paid for:

(i)	March 2021		
	(Rs 25,234.20 – Rs 13,354.):	Rs	11,880.20
(ii)	August 2021		
	(Rs 26,540. – Rs 17,000.):	Rs	9,540.00
(iii)	September 2021		
	(Rs 33,300.93 – Rs 25,000.):	Rs	8,300.93
(iv)	October 2021		
	(Rs 32,212.11 – Rs 15,000.):	Rs	17,212.11
(v)	November 2021		
	(Rs 29,462.42 – Rs 20,000.):	Rs	9,462.42

(vi)	End-of-year Bonus 2021	
	(Rs 24,558.68 – Rs 20,000.):	Rs 4,558.68
(b)	20 days' wages for outstanding annual leaves 2021	
	Rs 22,675/26 x 20 days:	Rs 17,442.23
(c)	20 days' wages for outstanding annual leaves 2022	
	Rs 23,075/26 x 20 days:	Rs 17,750.00
(d)	wages unpaid for December 2022:	Rs 23,075.00
(e)	wages unpaid for January 2023:	Rs 24,075.00
(f)	8 days' wages unpaid for 01/02/23 to 09/02/23	
	(Rs 24,075./26 x 8 days):	Rs 7,407.70
(g)	wages as indemnity in lieu of notice:	Rs 24,075.00
(h)	severance allowance for 61 months' continuous service	
	(Rs 24,075. x 3 months x 61months/12):	Rs 367,143.75
(i)	22 days' wages outstanding annual leave 2023	
	(Rs 24,075./26 x 22):	<u>Rs 20,371.15</u>
	<b>TOTAL:</b>	<b><u>Rs 562,294.17</u></b>

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. Moreover, by virtue of section 70(2) of the Act, "*the Court may, where it thinks fit and, whether or not a claim to that effect has been made, order an employer to pay interest at a rate not exceeding 12 per cent in a year on the amount of severance allowance payable from the date of the termination of the agreement to the date of payment.*"

8. In the light of the above, I order the Defendant to pay to the Plaintiff the sum of Rs 562,294.17 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, and interest at the rate of 12% per annum on the amount of severance allowance payable from the date of the termination of the agreement to the date of payment.

**06 August 2025**

**M. ARMOOGUM**

**Magistrate**