

Kalutay v AVC Call Centre Ltd

2024 IND 18

THE INDUSTRIAL COURT OF MAURITIUS

(Civil Side)

In the matter of:-

CN 167/2023

Linda Daisy Antoine KALUTAY

PLAINTIFF

v.

AVC CALL CENTRE LTD

DEFENDANT

JUDGMENT

1. The Plaintiff avers in her plaint that she was employed by the Defendant as “*Responsable de Formation et Qualité*” with a basic monthly salary of Rs 20,375. She was continuously employed from 25 September 2019 to 28 October 2021. She left her employment after having given the required notice to her employer. However, the latter failed to remunerate her for the last 6 days of employment. She was also not paid her end-of-year bonus for the year 2021. She had earned Rs 245,109.95 in total that year. The Plaintiff is, therefore, claiming the sum of Rs 25,982.65 from the Defendant representing her outstanding wages and her end-of-year bonus for the year 2021 on a *pro rata* basis, with interest.

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

3. In Court, the Plaintiff reiterated under oath the averments of her plaint. She produced copies of her payslip for the month of January 2021 (**Document P1**), her resignation letter (**Document P2**) and her contract of employment (**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)	outstanding wages for the period 21–28 October 2021: (Rs 20,375./22 x 6 days):	Rs 5,556.82
(ii)	end-of-year bonus for 2021 <i>pro rata</i> (Rs 245,109.95 x 1/12):	<u>Rs 20,425.83</u>
	TOTAL:	<u>Rs 25,982.65</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 25,982.65 together with interest at the rate of 12% per annum on the amount of remuneration due from the date of non-payment to the date of payment.

05 June 2024

M. ARMOOGUM

Magistrate