

**Gungapersand v World Class Garden Services Ltd**

**2024 IND 57**

**THE INDUSTRIAL COURT OF MAURITIUS**

**(Civil Side)**

**In the matter of:-**

**CN 288/2023**

**Rajwantee Gungapersand**

**PLAINTIFF**

**v.**

**World Class Garden Services Ltd**

**DEFENDANT**

**JUDGMENT**

1. This is a claim for short payment of wages and end-of-year bonus. The Plaintiff, who was employed as gardener by the Defendant, contends that the latter is, in all, indebted to her in the sum of Rs 11,000.

2. Despite due service of process, the Defendant left default. The Plaintiff was, accordingly, allowed to make out her case. She reiterated the averments of her plaint under solemn affirmation. She produced a copy of her payslip for the month of April 2015 (**Document A**) and a copy of her bank statement for the month of December 2021 (**Document B**). The Plaintiff was drawing a monthly salary of Rs 9,700. in the year 2020, and Rs 10,200. in the year 2021. Moreover, she spent Rs 180. for Court attendance.

3. I have duly considered the evidence on record, which has remained unrebutted in the absence of the Defendant. I find that the Plaintiff has established her claim on a balance of probabilities and that the Defendant owes her the following sums:

(i)	outstanding wages for the month of April 2020	
	(Rs 9,700. – Rs 5,100.):	Rs 4,600.
(ii)	outstanding wages for the month of March 2021	
	(Rs 10,200. – Rs 8,000.):	Rs 2,200.
(iii)	Balance of end-of-year bonus for the year 2021	
	(Rs 10,200. – Rs 6,000.):	<u>Rs 4,200.</u>
	TOTAL:	<u>Rs 11,000.</u>

4. 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."*

5. In the light of the above, I order the Defendant to pay to the Plaintiff the sum Rs 11,000., 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. I further order the Defendant to pay Rs 180. to the Plaintiff as compensation for expenses incurred by the Plaintiff in attending Court.

**17 October 2024**

**M. ARMOOGUM**

**Magistrate**