

**MARIE LINDA PAULINE VS NEVE COMPANY LTD**

**2024 IND 59**

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Cause Number: 388/22

**THE INDUSTRIAL COURT OF MAURITIUS**

(CIVIL DIVISION)

In the matter of:-

**MARIE LINDA PAULINE**

Plaintiff

**VS**

**NEVE COMPANY LTD**

Defendant

**JUDGMENT**

*Introduction*

The Plaintiff was in the continuous employment of the Defendant as an unskilled worker since the 01st March 2019. By virtue of a claim backed by the Plaintiff's testimony in Court, she is claiming from the Defendant, the sum of Rs 9,750 /- representing the end of year bonus for the year 2019.

*The facts*

The Plaintiff testified that she was working on a 6-day week basis for and in consideration of a monthly terminal rate of Rs 11,700 payable at weekly intervals. She averred that she worked for a period ranging from the 1st March 2019 to the 31st December 2019 but the Defendant did not pay to her the end of year bonus for the year 2019. The Plaintiff, therefore, claimed from the Defendant the sum of Rs 9,750.

In the present case, the Defendant has left default despite a substituted service effected on the Defendant by posting a true and certified copy of the Plaintiff at the registered office of the Defendant on the 7<sup>th</sup> 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 her. 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 9,750/-representing the end of year bonus for the year 2019.

### *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 9,750.

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

Judgment delivered on: 21<sup>st</sup> October 2024