

Pursoty v World Class Garden Services Ltd

2024 IND 48

THE INDUSTRIAL COURT OF MAURITIUS
(Civil Side)

In the matter of:-

CN 33/2024

Sooriadat Pursoty

PLAINTIFF

v.

World Class Garden Services Ltd

DEFENDANT

JUDGMENT

1. The Plaintiff avers in his plaint that he was in the continuous employment of the Defendant as Supervisor since 01 September 2014. He was employed on a 6-day week basis and was remunerated at the monthly basic rate of Rs 15,544. The Plaintiff contends that on 31 May 2022 he was informed that his employment will terminate on the same day on economic grounds. That was his last day at work. The Plaintiff avers that he was only paid Rs 10,000. for the month of April 2022. Moreover, he was not remunerated for the month of May 2022, nor was he paid his end-of-year bonus for year 2022. He is, thus, claiming his unpaid dues.

2. The Defendant company having left default, the Plaintiff was allowed to make out his case. The Plaintiff reiterated the averments of his plaint under solemn affirmation.

3. 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 explained 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. The Plaintiff is, therefore, entitled to the following sums:

| | | |
|-------|---|---------------------|
| (i) | One month's wages as indemnity in lieu of notice: | Rs 15,544.00 |
| (ii) | Balance of wages for April 2022 (Rs 15,544. – Rs 10,000.): | Rs 5,544.00 |
| (iii) | Outstanding wages for May 2022: | Rs 15,544.00 |
| (iv) | End-of-year bonus for 2022 <i>pro rata</i> (Rs 15,544. x 5 months/12): | <u>Rs 6,476.66</u> |
| | TOTAL: | <u>Rs 43,108.66</u> |

4. 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.*"

5. In the light of the above, I order the Defendant to pay to the Plaintiff the sum of Rs 43,108.66, 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.

20 September 2024

M. ARMOOGUM
Magistrate