

Michel Lafresiere (Respondent) v New Mauritius Hotels Ltd (Appellant) (Mauritius)

Case ID: JCPC 2022/0023

Jurisdiction: Supreme Court of Mauritius

Case summary

Issue

Whether the Supreme Court of Mauritius were correct to overturn the Industrial Court's decision that the Appellant had not wrongly and unjustifiably terminated the Respondent's employment.

Facts

The Appellant operates luxury hotels across Mauritius. The Respondent had been in continuous employment with the Appellant as a maintenance manager since the beginning of July 2004. In January 2013, an internal audit exercise was initiated into alleged serious irregularities occurring at the hotels. In 2013, the Appellant terminated the Respondent's employment.

On 13 September 2013, the Respondent lodged a Plaint before the Industrial Court of Mauritius claiming that the Appellant had unjustifiably terminated his employment and praying a judgment condemning and ordering the Appellant to pay to the Respondent a severance allowance of Rs 6,258,291.66 plus interest.

The Industrial Court of Mauritius held that the Appellant had established that the termination of the Respondent's employment was justified and dismissed the Plaint.

The Supreme Court of Mauritius (Appellate Jurisdiction) allowed the Respondent's appeal, ordering that the decision of the Industrial Court be reversed, substituting judgment in favour of the Respondent. The Appellant now appeals to the Judicial Committee of the Privy Council.

Parties

Appellant(s)

New Mauritius Hotels Ltd

Respondent(s)

Michel Lafresiere

Appeal

Justices

Lord Reed, Lord Kitchin, Lord Sales, Lord Leggatt, Lady Rose

Hearing start date

5 July 2023

Hearing finish date

5 July 2023

Watch hearing

5 July 2023 [Morning session](#) [Afternoon session](#)