



MAHKAMAH PERUSAHAAN, MALAYSIA,  
(KEMENTERIAN SUMBER MANUSIA),  
JALAN MAHKAMAH PERSEKUTUAN,  
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Ruj. Kami: MP.1: 6/1-1068/07(11)

Tarikh: 9 Januari 2008

**SERAHAN A. R. REGISTERED**

Encik Jimmy Tong Yee Shen  
Maybank Seremban  
Business Centre  
No. 166-169, Jalan Dato Bandar Tunggal  
70000 Seremban  
Negeri Sembilan

**SERAHAN TANGAN**

Encik Sathiabalan A/L K. Selvaraju  
Sime Darby Bhd.  
Jalan Raja Laut  
50350 Kuala Lumpur

Tuan,

**Kes No: 6/1-1068/07**

**Pertikaian Diantara : Puan Kong Yoke Keem**  
**Dengan : TML Logistics (M) Sdn. Bhd. (Formerly known as**  
**Top-Mech Logistic (M) Sdn. Bhd.)**



Dengan hormatnya saya diarah merujuk kepada pertikaian di atas.

... 2. Sukacita dimaklumkan bahawa Mahkamah Perusahaan telah pun membuat keputusan mengenai pertikaian ini sebagaimana Award No: **9 Tahun 2008** bertarikh **3hb Januari 2008**. Bersama-sama ini disertakan satu (1) salinan untuk makluman dan simpanan tuan.

Sekian, terima kasih.

**" BERKHIDMAT UNTUK NEGARA "**  
***' Pekerja Produktif Negara Kompetitif '***

Saya yang menurut perintah,

( **RAJA KHAIRUL AZAHAR BIN RAJA AHMAD** )  
b.p. Pendaftar  
Mahkamah Perusahaan Malaysia  
**KUALA LUMPUR**

# INDUSTRIAL COURT OF MALAYSIA

CASE NO. 6/1 – 1068/07

BETWEEN

**PUAN KONG YOKE KEEM**

AND

**TML LOGISTICS (M) SDN. BHD.**  
**(Formerly known as Top-Mech Logistic (M) Sdn. Bhd.)**

AWARD NO. 9 OF 2008

Before : **DATIN SITI SALEHA ABU BAKAR - CHAIRMAN**  
**ENCIK SATHIABALAN A/L K. SELVARAJU -**  
**EMPLOYER'S PANEL**  
**ENCIK JIMMY TONG YEE SHEN -**  
**EMPLOYEE'S PANEL**

Venue : Industrial Court Kuala Lumpur.

Date of Complaint: 28.5.2007

Dates of Mention : 29.6.2007, 9.8.2007, 13.9.2007 and 23.10.2007

Date of Hearing : 27.12.2007

Representation : Encik A. Balasubramaniam of MTUC,  
the Claimant's representative.

: Encik Loh Yoke Wah, Director of the Company.

Complaint:

This is a Complaint of Non-Compliance by **PUAN KONG YOKE KEEM** (hereinafter referred to as "the Claimant") under Section 56(1) of the Industrial Relations Act, 1967 against **TML LOGISTICS (M) SDN. BHD. (Formerly known as Top-Mech Logistic (M) Sdn. Bhd.)** (hereinafter referred to as "the Company").

## **AWARD**

This is a complaint of Non Compliance under section 56(1) of the Industrial Relations Act 1967 in the matter of Award No. 2222 of 2006 in Case No. 21/4-1090/06 between Puan Kong Yoke Keem (hereinafter referred to as “the Claimant”) and TML Logistics (M) Sdn. Bhd. (formerly known as Top-Mech Logistic (M) Sdn. Bhd.) (hereinafter referred to as “the Company”).

The Complaint lodged by the Claimant is that the Company has not complied with the following provisions of the above stated award :

“ By consent and with out admission of liability the Company shall pay the sum of RM25,000.00 to the Claimant in three payments.

The first payment of RM10,000.00 shall be made on or before 15 December 2006. The second payment of RM10,000.00 shall be made on or before 15 January 2007. The third payment of RM5,000.00 shall be made on or before 15 February 2007.

The Company shall issue post dated cheques for the second and third payments together with the first payment.

The cheques shall be in the name of the Claimant and forwarded to MTUC. ”

The Claimant’s representation, Encik A. Balasubramaniam informed the Court that the Company has failed to comply with the above stated provisions. He went out to say that the Company had only paid the Claimant the amount of RM5,000.00 and has refused to pay the rest.

The Court then directed the Company’s representative Encik Loh Yoke Wah to explain why he has failed to pay the Claimant the amount which had been agreed upon between them in the consent award as stated above. However Encik Loh failed to give a reasonable explanation to the Court.

In the circumstances it is the unanimous decision of the Court that the Company shall be ordered to comply with the above provisions of Award No. 2222 of 2006 within thirty (30) days from the date of this award.

**HANDED DOWN AND DATED THIS 3<sup>RD</sup> JANUARY 2008.**



**( DATIN SITI SALEHA ABU BAKAR )  
CHAIRMAN  
INDUSTRIAL COURT**