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Ruj. Kami: MP.1: 6/1-986/07(17)

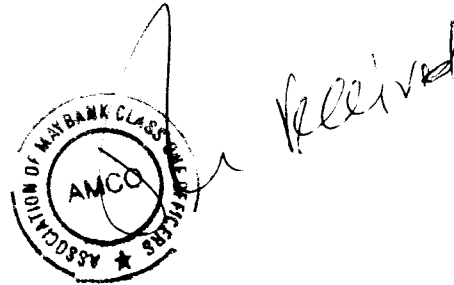
Tarikh: 9 Januari 2008

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: 6/1-986/07

Pertikaian Diantara : Encik Murugan A/L James Anandan
Dengan : Winbright (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: **11 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 - 986/07

BETWEEN

ENCIK MURUGAN A/L JAMES ANANDAN

AND

WINBRIGHT (M) SDN. BHD.

AWARD NO. 11 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: 11.5.2007

Dates of Mention : 28.6.2007, 27.7.2007, 27.8.2007 and 27.9.2007.

Date of Hearing : 27.12.2007

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

: Company absent/unrepresented.

Complaint:

This is a Complaint of Non-Compliance by **ENCIK MURUGAN A/L JAMES ANANDAN** (hereinafter referred to as "the Claimant") under Section 56(1) of the Industrial Relations Act, 1967 against **WINBRIGHT (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. 102 of 2007, in Case No. 16/4-891/05 between Murugan a/l James Anandan (hereinafter referred to as “the Claimant”) and Winbright (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 :

“ Setelah mengambil kira pendapatan Yang Menuntut pada masa sekarang Mahkamah memerintahkan Syarikat membayar tunggakan gaji kebelakangan dan pampasan sebagai ganti pengembalian jawatan seperti berikut :

(1) Tunggakan gaji pada kadar		
RM1,700.00 x 24 bulan	=	RM40,800.00
Tolak 40%	=	<u>RM26,320.00</u>
	=	RM24,480.00
(2) Pampasan pada kadar		
RM1,700.00 x 12 bulan	=	<u>RM20,400.00</u>
Jumlah	=	RM44,880.00

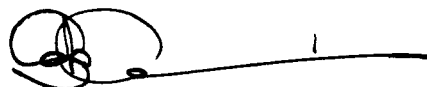
Jumlah RM44,880.00 di atas hendaklah dibayar kepada Yang Menuntut melalui Kongres Kesatuan Sekerja Malaysia (MTUC) Johor dalam tempoh 1 bulan daripada tarikh award ini. ”

At the outset of the hearing on 27.12.2007 the Court allowed the Claimant's representative, Encik A. Sivanathan's application to proceed ex-parte in the absence of the Company which had also failed to file the statement in reply.

Encik Sivanathan informed the Court that the Company had not complied with the above provisions of the award. He submitted that the Company is still operating in Kluang and that attempts made by him to contact the Company had been unsuccessful. He then applied to the Court to hand down an order of compliance.

After hearing his submission it is the unanimous decision of the Court that the Company be ordered to comply with the above provisions of Award No. 102 of 2007 within thirty (30) days from the date of this award.

HANDED DOWN AND DATED THIS 3RD JANUARY 2008.



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