



EMPLOYMENT TRIBUNALS

Claimant:

Mr P Karunaratne

v

Respondent:

Asda Stores Ltd

Heard at:

Watford

On: 7 September 2017

Before:

Employment Judge Daniels

Appearances

For the Claimant:

Mr S Pereira (Consultant)

For the Respondent:

Ms T Burton (Counsel)

REMEDY JUDGMENT

1. The effective date of termination of employment was 10 September 2015. The claimant's age at dismissal was 39. The claimant had two years' service at the date of termination of his employment. A week's pay gross was agreed at £413.49; net weekly pay was agreed at £342.08.

Unfair dismissal

2. The basic award was agreed between the parties at £826.98.
3. In relation to the compensatory award, past loss was agreed at £3,762.90.
4. In relation to the claimant's claim for future loss, the respondent had not shown that the claimant had failed to take reasonable steps to mitigate his loss. The claimant was entitled to 17 months' period of loss.
5. The claimant was also entitled to 17 months' period of loss in respect of pension.
6. The claimant was entitled to 17 months' loss of transport cost as the respondent has failed to show that the claimant failed to take reasonable steps to mitigate such losses by finding alternative employment and moving to a different area.
7. In respect of the claimant's claim for loss of shares, no award was made to the claimant.
8. It was agreed between the parties following the finding on the period of pension loss was £459.00 and loss of transport costs was £1,122.00.

9. Loss of statutory rights was agreed at £350.00.
10. In all the circumstances, an uplift of 10% was ordered for failure to follow the ACAS Code of Practice. The amount of the uplift to the compensatory award was £734.88.
11. The total compensatory award before uplift was £7,348.85.
12. The total compensatory award after an uplift of 10% was £8,083.73.
13. The Recoupment Regulations do not apply.

Unlawful deductions

14. In relation to unlawful deductions from wages, the claimant has proved that he failed to be provided with any wages during the period 5 September 2015 to 10 September 2015. The amount of the award was agreed at £293.21 without uplift and after an uplift of £29.32 the sum of £322.53.

Breach of contract

15. It was agreed that the liability in relation to breach of contract (notice pay) was two weeks' pay at the sum of £684.16 (without uplift) and after an uplift of £768.41, a total sum for breach of contract of £752.57.

Holiday pay claim

16. The claim in relation to Working Time Regulations and holiday pay was withdrawn by the claimant at the hearing.

SUMMARY OF AWARDS

Unlawful deductions from wages; £322.53 (gross)
Breach of contract (notice pay): £752.57
Basic award for unfair dismissal: £826.98
Compensatory award for unfair dismissal: £8,083.73

Total awards: 9985.81

Employment Judge Daniels

Date: ...23.11.17.....

Judgment and Reasons

Sent to the parties on:

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For the Tribunal Office