



EMPLOYMENT TRIBUNALS

Claimant: Mr S Mirza

Respondent: Sadana's Europe Limited

Heard at: East London Hearing Centre **On:** 5 March 2018

Before: Employment Judge Brown (sitting alone)

Representation

Claimant: In Person

Respondent: Did not attend and was not represented

JUDGMENT

The judgment of the Employment Tribunal is that:

1. The correct name for the Respondent is Sadana's Europe Limited and the title of the proceedings is amended accordingly.
2. The Respondent made unlawful deductions from the Claimant's wages when it failed to pay him his wages for June 2017.
3. The Respondent shall pay the Claimant £780 gross for the Claimant's unpaid wages.

REASONS

1 By a claim form presented on 27 November 2017 the Claimant brought a claim for unlawful deductions from wages against the Respondent, his former employer. On his claim form, he named the Respondent by its trading name, Menchie's and gave the Respondent's address as Shop 422, Lakeside Shopping Centre, West Thurrock Way, Gray's, Essex, RM20 2ZP, which is the address from which the Respondent traded and is also the Respondent's registered office address held at Companies House.

2 In his claim form, the Claimant stated that, on 26 June 2017, he was told by one of the Directors of the Respondent company that the company would be closing the next day and that all salaries would be paid within a few days. He said, however, that his wages were not, in fact, paid. The Claimant said that he had not been paid for 104 hours at £7.50 per hour, his June 2017 wages.

3 On 6 December 2017 the Tribunal served the claim form, a Notice of Claim and a Notice of Hearing, giving notice of the final hearing to be held on 5 March 2018, by sending those documents to the Respondent, using its trading name, Menchies, at its registered address.

4 The Notice of Claim told the Respondent that, if it wished to defend the claim, it must lodge a Response with the Tribunal by 3 January 2018.

5 The Tribunal did not receive any Response from the Respondent. On 7 December 2017 and on 26 January 2018, the Tribunal wrote to the Claimant, asking him to provide the correct name for the Respondent. The Claimant did so, by letter received by the Tribunal on 1 February 2018.

6 On 9 February 2018 the Tribunal re sent the claim form, a Notice of Claim and a Notice of Hearing, giving notice of the final hearing to be held on 5 March 2018, to the Respondent at its registered address, but naming the Respondent correctly as Sadana's Europe Limited.

7 The Respondent has not lodged an ET3 Response. No correspondence has been received from the Respondent by the Tribunal. The Respondent did not attend the hearing today.

8 I considered that the Respondent had been correctly served at its registered (and trading) address, but that it had not presented any Response defending the claim. The Claimant did attend the hearing today and pursued his claim.

9 I therefore accepted what the Claimant said in his claim form and determined that the Claimant's claim for unlawful deductions from wages against the Respondent was well founded. The Respondent made unlawful deductions from the Claimant's wages when it failed to pay him his wages for June 2017. The Claimant was not paid for 104 hours at £7.50 per hour. I order the Respondent to pay the Claimant £780 gross for the Claimant's unpaid wages.

Employment Judge Brown

5 March 2018