



# EMPLOYMENT TRIBUNALS

**SITTING AT:** LONDON SOUTH

**BEFORE:** EMPLOYMENT JUDGE SPENCER

**BETWEEN:** MS S KAPUR CLAIMANT

AND

KUMSAL LIMITED RESPONDENT

**ON:** 5<sup>th</sup> June 2019

**Appearances**

For the Claimant: Mr S Kapur, father

For the Respondent: Ms E Moore, counsel

## JUDGMENT

Following the Judgment of the Tribunal on 22<sup>nd</sup> January 2019 that the Claimant was unfairly constructively dismissed, the Judgment of the Tribunal as to remedy is that the Respondent should pay to the Claimant **£5,634**, calculated as follows:

£

**Basic Award** 420

**Compensatory Award**

(a) Loss from 12<sup>th</sup> May -22<sup>nd</sup> July 2018  
10x 265.8 = 2,658.4

ADD

(b) Loss from 23<sup>rd</sup> July – 5<sup>th</sup> October 2018  
265.84 x11=2924.24  
Less 778.29 2,145.95

DEDUCT

(c) additional earnings from 8<sup>th</sup> October 2018 – 18<sup>th</sup> January 2019 (1,083.92)

ADD	
(d) Loss from 18-29 <sup>th</sup> January 2019 (1.5 x 265.84)	398.76
ADD	
(e) Loss from 30 <sup>th</sup> January -27 <sup>th</sup> February 2019 (1329.2-1163.63)	165.57
ADD	
(f) Loss of statutory rights	350
ADD	
(e) expenses	<u>20</u>
<u>Total Compensatory Award</u>	<b>4,654</b>
ADD	
Increase under <b>section 38 of the Employment Act 2002</b> , of two weeks' pay,	<b><u>560</u></b>
<b>Total award</b>	<b>5,634</b>

### **Recoupment**

The Recoupment Regulations 1996 apply to this award.

The total monetary award is £5,634.

The prescribed element is £4,654.

The period to which the prescribed element relates is 12<sup>th</sup> May 2018 – 5<sup>th</sup> June 2019.

The amount by which the total monetary award exceeds the prescribed element is £980.

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Employment Judge Spencer  
5<sup>th</sup> June 2019