



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

1. Mr M Miah. 2. Ms G Miah

v

London Luton Airport Operations Limited

**Heard at:** Watford

**On:** 23 August 2019

**Before:** Employment Judge Alliot

## Appearances

**For the First Claimant:** In person

**For the Second Claimant:** In person

**For the Respondent:** Ms T Hudson

## JUDGMENT

1. The claimants' claims for unauthorised deduction of wages are not well founded and the claims are dismissed.

## REASONS

1. The claims made are for unauthorised deductions of wages. Both claimants have confirmed today that during their period of suspension they were paid their contractual pay. There was no legal or other right to overtime. Accordingly, there has been no deduction from pay properly payable and the claim must fail.
2. The respondent made an application for costs pursuant to Rules 75 and 76 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001. I find that the claims had no reasonable prospect of success. Nevertheless, I decline to exercise my discretion and make a costs order. The claimants told me that they took advice from a Union representative and genuinely had grounds to think that they had a cause to complain to an Employment Tribunal. Further, Ms Hudson had no costs schedule to show me. The claimants are a young couple, with a dependent, and are of modest means. In my judgment it would be unjust to depart from the normal position if not making a costs order.

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Employment Judge Alliot

Date: .....02.09.19.....

**Case Numbers: 3332305/2018, 3332306/2018, 3332307/2018, 3332308/2018**

Sent to the parties on: ..19.09.19.....

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For the Tribunal Office