



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr M S Baig  
Mr Z Baig

**Respondent:** Kashmir Crown Bakeries Limited

**Heard at:** Leeds **On:** 23 September to 1 October 2019

**Before:**

Employment Judge JM Wade

Mr Q Shah

Mr M Taj

## Representation

Claimant: Mr C Bronze (counsel)

Respondent: Mr G Price (counsel)

# JUDGMENT

- 1 The principal reason for the first claimant's dismissal was his use of trade union services (a Section 152 complaint) and his unfair dismissal is well founded.
- 2 The second claimant's Section 152 case does not succeed but his unfair dismissal complaint is well founded.
- 3 The first and second claimants' wrongful dismissal claims succeed and the respondent shall pay to the claimants the following net sums in agreed damages:  
MS Baig: £1370.28  
Z Baig: £7644.00
- 4 The Tribunal makes the following awards for the unfair dismissal of MS Baig:  
Basic Award: £6203  
Compensatory Award: £14, 224.27 (£12, 368.93<sup>1</sup> + £1855.34<sup>2</sup>)
- 5 The Prescribed period for MS Baig is 19 November 2018 to 30 September 2019; the prescribed amount is £11,868.93<sup>3</sup> and the excess of monetary awards (MS Baig) over the prescribed element is £9928.62<sup>4</sup>.
- 6 Total MS Baig' damages and unfair dismissal compensation is £21797.55<sup>5</sup>

<sup>1</sup> The parties' agreed figures (£15,415.65 - £3546.72 = £11868.93) + £500 lost statutory rights

<sup>2</sup> 15% ACAS uplift

<sup>3</sup> To be paid to the Secretary of State (DWP)

<sup>4</sup> The total of agreed damages, basic award, £500 lost statutory rights and ACAS uplift to be paid to the claimant within fourteen days of the sending of this Judgment.

- 7 The Tribunal makes the following awards for the unfair dismissal of Z Baig:  
Basic Award: £9652  
Compensatory Award: £18,540.53 (£16,122.20<sup>6</sup> + £2418.33<sup>7</sup>)
- 8 The Prescribed period for Z Baig is 15 February 2019 to 30 September 2019; the prescribed amount is £15,622.20<sup>8</sup> and the excess of monetary awards (Z Baig) over the prescribed element is £20,214.33<sup>9</sup>.
- 9 Total Z Baig' damages and unfair dismissal compensation is £35,836.53<sup>10</sup>
- 10 The recoupment regulations apply to the lost earnings' element only of the unfair dismissal awards as set out and calculated above.

Employment Judge JM Wade

Date 1 October 2019

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<sup>5</sup> Errors transpired in the calculation of uplift and recoupment, which I have corrected.

<sup>6</sup> The parties' agreed figures (£20,384 - £4761.80 = £15622.20) + £500 lost statutory rights

<sup>7</sup> See note 2 above

<sup>8</sup> See note 3 above

<sup>9</sup> See note 4 above.

<sup>10</sup> See note 5 above.