



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr H Khan

**Respondent:** Conexus Recovery And Field Services Limited

**Heard at:** Manchester **On:** 16 March 2020

**Before:** Employment Judge Phil Allen

## **Representation**

**Claimant:** Did not attend

**Respondent:** Mr M Thornsby (counsel)

# JUDGMENT

1. The claimant's claims for breach of contract, unlawful deduction from wages and under the Working Time Regulations 1998 are not well-founded and do not succeed;
2. The respondent's counter-claim for breach of contract is well-founded. The claimant must pay the respondent the sum of **£1,685.68** as damages for breach of contract within 14 days.
3. The respondent's application for costs will be considered on the papers and/or at a hearing, as follows:
  - a. If the respondent wishes to pursue its application for costs it must provide to the Tribunal (copied to the claimant) by no later than **Tuesday 14 April 2020** a written application for costs, outlining exactly the basis for doing so and the reasons why it says costs should be awarded. The respondent should include the exact amount of costs claimed;
  - b. By no later than **Tuesday 12 May 2020**, if the claimant opposes the application, he must send to the Tribunal (copied to the respondent) written reasons why he says costs should not be awarded;
  - c. The Tribunal intends to consider the application in writing based upon the documents, but if the claimant wishes for the matter to be considered at a hearing he must confirm this to the Tribunal when providing his response (and a hearing will be listed).

- d. If a hearing is required to consider the application for costs, the claimant must also provide in writing to the Tribunal (copied to the respondent) no later than seven days prior to the date for which that hearing is listed, an explanation of and evidence of his reason for non-attendance today.
- e. The respondent has highlighted that if a further hearing is required, additional costs may be sought.

Employment Judge Phil Allen

16 March 2020

JUDGMENT SENT TO THE PARTIES ON

16 March 2020

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2400115/2020**

Name of case: **Mr H Khan** v **Conexus Recovery And Field Services Limited**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 16 March 2020

"the calculation day" is: 17 March 2020

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at [www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.