



EMPLOYMENT TRIBUNALS

Claimant: Mr S Shri-Giritharan

Respondent: Menzies Aviation

JUDGMENT

1. The Claimant will pay the Respondent's costs in the sum of £100.

REASONS

1. In a judgment dated 5 November 2018, I dismissed the claim for unauthorised deduction of wages. In the last paragraph of the reasons, I wrote:

"It follows that the claim must be dismissed as having no basis whatsoever. I would add that, where a few minutes' consideration of the documents shows that there is no basis for a claim, then a claimant is not acting reasonably or proportionately in either bringing or pursuing his claim."

2. On 15 January 2019, the Respondent made an application for costs. There was a significant delay within the Tribunal in forwarding that application, so I did not make an Order until 15 March 2019. That Order required the Claimant to write to the Tribunal and say (a) why a costs order should not be made and (b) if a costs order were made, what would be his ability to pay the sum of £1,000.
3. The Claimant wrote to the Tribunal on 29 March 2019, but had misunderstood the Order and what he was required to do. There was then some protracted correspondence with the Tribunal (which I did not see at the time), until he finally provided the above information. The Claimant did not advance any arguments why an order for costs should not be made in this case.

4. Under Rule 83, the Tribunal may have regard to a party's ability to pay. The Claimant says that he earns £1,116 per month net and his outgoings are between £1,040 and £1,140 per month. A letter from his employer suggest the income figure is accurate and I take in good faith what he says about his outgoings. It seems to me that I should take into account the Claimant's ability to pay and so the Order I make is in the sum of £100.

Employment Judge Cheetham QC

Date: 26 January 2020