



EMPLOYMENT TRIBUNALS

Claimant: Mr W Khan

Respondent: Peninsula Business Services Ltd

Heard at: Manchester Employment Tribunal

On: 27 April 2021

Before: Employment Judge Dunlop

Representation

Claimant: In person

Respondent: Mr Alam (Solicitor)

JUDGMENT

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was a video hearing, using the tribunal's Cloud Video Platform (CVP). A face to face hearing was not held because it was not practicable in the circumstances of the covid-19 pandemic and all issues could be determined in a remote hearing.

1. The claimant was unfair dismissed by the respondent.
2. The respondent is ordered to pay the claimant a Basic Award of £2,960.00.

This is calculated on the basis that the claimant had 4 years' service, for the latter two of which he was aged 41 or over and his weekly wage exceeded the statutory limit of £538.00. So:

$$(2 \times 1 \times £538) + (2 \times 1.5 \times £538) = £2,960.00$$

3. There is a 100% chance that the claimant would have been dismissed if a fair procedure had been followed. For that reason, no Compensatory Award is due to the claimant.
4. No reduction will be made to the Basic Award in respect of any contributory conduct on the part of the claimant.

5. The claimant's claim of wrongful dismissal (i.e. his claim for notice pay) is not well-founded and is dismissed.
6. The claimant's claim for unpaid holiday pay is not well-founded and is dismissed.
7. The claimant was given permission to amend his claim to pursue a claim of unauthorised deductions from wages in the amount of £5.00, relating to the calculation of an amount recovered from the claimant following his loss of a company laptop. However, the claimant later agreed that he was, in fact, recently refunded this amount by the respondent making a direct payment into his bank account. This claim is therefore dismissed upon withdrawal.
8. The claimant was refused permission to amend his claim to bring a separate wages claim in respect of a 'Developer on Call' supplement and/or overtime worked in February/March 2020.
9. As there is no compensatory award, the Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

Employment Judge Dunlop
Date: 27 April 2021

SENT TO THE PARTIES ON
29 April 2021

FOR EMPLOYMENT TRIBUNALS

Note

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 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: 2415395/20
Mr W Khan v Peninsula Business Services Ltd

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: 29 April 2021

"the calculation day" is: 30 April 2021

"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/collections/employment-tribunal-forms

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.