



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr Nilesh Kumar Joshi**

**v Lumbini Restaurant Ltd**

**Heard at:** Watford by Cloud Video Platform

**On:** 27 July 2021

**Before:** Employment Judge Bedeau

## **Representation**

**For the Claimant:** Mr M Withers, Counsel

**For the Respondents** Mr K Awal, Shareholder

## **JUDGMENT ON REMEDY**

1. The respondent failed to present its response in time.
2. The application by the respondent to strike out the unfair dismissal claim based on inadequate length of service is refused.
3. The unfair dismissal claim is well-founded and the respondent is ordered to pay the claimant the:
  - 2.1 Basic Award £1,575
  - 2.2 Compensatory Award £38,724, applying the annual salary cap.
4. The claim of accrued unpaid holiday is well-founded and the respondent is ordered to pay the claimant the sum of £5,907 net.
5. The claim of wrongful dismissal is proved and the respondent is ordered to pay the claimant the sum of £1,650 net this sum to be deducted for the compensatory award.
6. The claimant did not claim any state benefits, therefore, the recoupment provisions do not apply.
7. The claimant's application for his costs to be paid by the respondent shall be heard on **Tuesday 28 September 2021 at 10.00am**, for half a day before me.

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Employment Judge Bedeau  
27 July 2021  
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Sent to the parties on:  
2<sup>nd</sup> Sept 2021  
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THY  
.....

For the Secretary to the Tribunals

Note:

Reasons for the judgment was given orally at the hearing. The claimant initially requested written reasons for the judgment. After explaining to him that by requesting written reasons a detailed judgment will be issued which will be on the Tribunals' website to which members of the public have access and be able to read, he withdrew his request for written reasons. The respondent did not request written reasons.