



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4107991/2020

Held via Cloud Video Platform (CVP) on 30 September 2021

Employment Judge Murphy

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Mr R Kumar

**Claimant
Represented by:
Ms M Rehan,
Lay Representative**

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Dunblane Castle Ltd

**Respondent
Not Present &
Not Represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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1. The respondent has made an unauthorised deduction from wages contrary to section 13 of the Employment Rights Act 1996 and is ordered to pay to the claimant the sum of TWO THOUSAND FIVE HUNDRED AND SIX POUNDS AND SEVENTY-NINE PENCE (**£2,506.79**) in lieu of accrued untaken annual leave as at the termination of his employment.
2. The sum awarded in item 1 is expressed gross of tax and national insurance. It is for the respondent to make any deductions lawfully required to account to HMRC for any tax and national insurance due on the sums, if applicable.

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E.T. Z4 (WR)

REASONS

1. This final hearing took place remotely by video conferencing. The parties did not object to this format. A face-to-face hearing was not held because of the Covid 19 pandemic and issues were capable of determination by a remote hearing.
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2. The respondent entered a response to the claim. A notice of the hearing was sent to the respondent on 17 August 2021 by email to the address provided. Subsequently, the Tribunal Clerk made various attempts to contact the respondent by phone and email to arrange a test of the CVP platform in advance of the hearing. The respondent did not respond to the contact and did not attend the hearing. The Tribunal Clerk called the respondent on the number provided once more on the morning of the hearing at 10 am when the respondent failed to attend. No response was obtained. The Tribunal decided, in accordance with Rule 47 of the Employment Tribunal Rules 2013, to proceed with the hearing in the respondent's absence, having considered all information available to it, and after making such enquiries as were practicable about the reasons for the respondent's absence.
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3. Oral reasons were given at the hearing. Written reasons will not be provided unless they were requested at the hearing or are asked for by any party within 14 days of the sending of this written record of the decision.
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Employment Judge:	L Murphy
Date of Judgment:	05 October 2021
Date sent to parties:	12 October 2021

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