



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Hayat Khan  
**Respondent:** Debar Limited  
**On:** 22 September 2021  
11 and 12 November 2021  
**Before:** Employment Judge McAvoy Newns  
**At:** Leeds Employment Tribunal

## Appearances:

**For the Claimant:** Miss J Duane, Counsel  
**For the Respondent:** Mr G Fawthrop, Lay Representative

## JUDGMENT

1. The Claimant's claim for unfair dismissal is well-founded and succeeds.
2. The Claimant's claim for breach of contract in respect to unpaid notice pay is well-founded and succeeds.
3. No reduction has been made to the award for loss of earnings pursuant to the 'Polkey' principle (*Polkey v AE Dayton Services Limited* [1987] UKHL 8).
4. The Claimant is entitled to a:
  - a. basic award of **£3,264**; and
  - b. compensatory award of **£16,190.10**.
5. The Recoupment Provisions apply to the compensation for unfair dismissal. The Prescribed Element is **£13,321.51**. The Prescribed Period is **9 April 2021 to 12**

**November 2021.** The total award is **£19,454.10**. The excess of total award over the prescribed element is **£6,132.59**.

6. In addition to the sums set out above, the Claimant is entitled to a payment representing unpaid notice pay of **£987.09**.
7. These are gross sums and the Claimant is responsible for the payment of any income tax and/or national insurance contributions that may be due on them.

**Employment Judge McAvoy News**

**29 November 2021**