



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4106687/2020

Mr D S Negi

Claimant

Express Buffet Ltd
Company Number SC621175

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant's complaint of a failure of the Employer to pay wages succeeds and it is declared that the respondent made an unlawful deduction from wages due to the claimant and the respondent shall pay to the claimant the gross sum of **ONE THOUSAND SEVEN HUNDRED AND FIFTY POUNDS (£1750.00)** (less such deductions required by law).

REASONS

1. A copy of the claim form setting out the claimant's complaint was sent to the respondent on 23 November 2021.
2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within twenty eight days of the date on which a copy of the claim was sent to it but failed to do so.
3. From the information before the Tribunal, the claimant had been subject to an unlawful deduction of wages in breach of section 13 of the Employment Rights Act 1996 in that:
 - (a) The claimant worked for the respondent.
 - (b) The claimant was to be paid the gross sum of £500 per week worked.
 - (c) The claimant worked 5 weeks with the respondent.

- (d) He was due to be paid £2500 gross.
 - (e) The claimant was in fact paid £750 gross.
 - (f) There was therefore a shortfall in the sums due to the claimant in the gross sum of £1750.
4. There was no response from the respondent disputing the foregoing facts or sums.
 5. On the basis of the material available to the Tribunal, the Employment Judge decided the claimant's claim in respect of a breach of section 13 of the Employment Rights Act 1996 was successful.
 6. It is accordingly declared that the respondent failed to pay the claimant wages due to him in the gross sum of £1750.00 (which is subject to such deductions required by law).

Employment Judge: David Hoey
Date of Judgment: 13 April 2022
Entered in register: 14 April 2022
and copied to parties