



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Gaurav Dhoot

**Respondent:** BRB Retail Ltd trading as Touch of Glass

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim of unlawful deduction of wages (arrears of pay) is well-founded and succeeds.
  - 1.1. The Respondent is ordered to pay to the Claimant the gross sum of **£315**.

## REASONS

1. On 31 March 2022, the Claimant presented a Claim Form to the Tribunal in which he brought a complaint of unlawful deduction of wages (under section 23 Employment Rights Act 1996), identifying Mr Robinson as his employer.
2. The proceedings were first served on the Respondent at the address provided by the Claimant with a response date of 05 May 2022. However, no response was served. It was later re-served at the Respondent's registered address with a response date of 13 June 2022. Again, however, no response was received.
3. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.
4. As at the date of termination of employment (14 December 2021), the Claimant had not been paid gross salary of £315 in respect of 35 hours work (at £9 an hour) in the week commencing 28 October 2021. The Respondent had designated that week a 'week in hand', by which the agreement was that wages for work done in that week would be paid on termination of employment. By the date of termination of the Claimant's employment

the wages, which were by then properly payable, had not been paid and were outstanding.

5. In the absence of any response from the Respondent, and based on the information contained in the ET1, I was satisfied that I had sufficient information to enable me to conclude that the wages of £315 were properly payable on termination and that the Respondent had failed to pay those wages. Therefore, I was able to issue a judgment against the Respondent.

Employment Judge **Sweeney**

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Date: 14 June 2022

