



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Janoy Mathew  
**Respondent:** Sark Service Station (Jet)  
**Heard at:** Watford Hearing Centre  
**On:** 19 July 2022  
**Before:** Employment Judge G Tobin

**Representation**  
Claimant: in person  
Respondent: Mr K Chehal (consultant)

## JUDGMENT

The Judgment of the Employment Tribunal is that:

1. The claimant was unfairly dismissed in breach of s94 Employment Rights Act 1996.
2. The claimant's claim for breach of contract in respect of his notice period (i.e. his wrongful dismissal claim) fails.
3. The claimant succeeds in his claim for pay equivalent to accrued and outstanding annual leave entitlement, under regulation 13 Working Time Regulations 1998 succeeds.
4. The claimant is awarded compensation as follows:

Unfair dismissal	£	£
Basic award	-	2,123.82
Compensatory award		
- Loss of earning (equivalent to notice period)		
9 weeks x 27.23hrs p/w @ £8.21 p/h		2,012.02*

- Loss of statutory rights	350.00
- ACAS uplift of 5%	<u>118.10</u>

**Total compensation for unfair dismissal** **4,603.94**

**Unpaid annual leave**

26 days @ 8 hrs/day x £8.21 p/h

1,707.68\*  
**6,311.62**

**5. The Respondent shall pay the claimant £6,311.62 as compensation for unfair dismissal and shortfall in pay for annual leave.**

\*These amounts are calculated gross so may be liable for tax and national insurance deduction, as appropriate.

---

Employment Judge Tobin

20 July 2022

JUDGMENT SENT TO THE PARTIES ON

5 August 2022

N Gotecha

FOR THE TRIBUNAL OFFICE

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to Employment Tribunal decisions**

All judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.