



EMPLOYMENT TRIBUNALS

Claimant: Mr H Umradia
Respondent: Department of Transport
Heard at: Watford Employment Tribunal (in person)
On: 3 and 4 October 2022
Before: Employment Judge Quill; Mr M Bhatti MBE; Mr T Maclean

Appearances

For the Claimant: Mr P Tomison, counsel
For the respondent: Mr S Crawford, counsel

REMEDY JUDGMENT

1. In accordance with its powers under section 114 of the Employment Rights Act 1996, the order of the Tribunal is that the Respondent shall treat the Claimant in all respects as if he had not been dismissed.
2. This order must be complied with by no later than 7 November 2022.
3. In accordance with its powers under section 114(2)(a) of the Employment Rights Act 1996, the order of the Tribunal is that the gross amount payable (prior to any PAYE deductions and any deductions for employee pension contributions) is £113,585.84.
4. The sum mentioned in paragraph 3 is payable if reinstatement takes place on exactly 7 November 2022. If reinstatement takes effect earlier than that date, then the sum shall be reduced by an appropriate amount calculated at £82.87 per day.
5. In accordance with its powers under section 114(2)(b) of the Employment Rights Act 1996, the order of the Tribunal is that the Claimant be reinstated to the pension scheme as if he had not been dismissed. The Respondent shall make whatever employer contributions are necessary to give effect to this order. Any required employee contributions shall be deducted from the sum mentioned in paragraph 3.
6. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 (as amended) apply to this award. Orally, it was announced that the prescribed element would match the full monetary award. However, that part of the oral judgment is revoked, and orders for the

parties to supply further information have been sent separately.

7. Written reasons have been requested and these will be supplied.

Employment Judge Quill

Date: 8 October 2022

JUDGMENT SENT TO THE PARTIES ON

13 October 2022

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FOR THE TRIBUNAL OFFICE

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ANNEX TO THE JUDGMENT

(MONETARY AWARDS)

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.