



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Hussain & others

**Respondent:** 1. Nabeel Ayaz Ditta  
2. NV PROJECTS LTD

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The claim was issued in the Leeds Employment Tribunals in relation to the claimants listed in the Schedule. The respondent has failed to present a valid response on time.

The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with rule 21 of the Rules of Procedure.

1. The claimants' complaints for ordinary unfair dismissal and for a statutory redundancy payment are dismissed because all of the claimants had been employed for less than two years and therefore did not have two years' service, as required under the Employment Rights Act 1996 (the "ERA").
2. The claimants' complaints for unauthorised deductions from wages, for holiday pay, for breach of contract and for a failure to provide itemised pay statements are dismissed against the First Respondent because the claimants state that they were not employed by the First Respondent.
3. The Tribunal declares that the Second Respondent has made unauthorised deductions from the claimants' wages with the exception of Mr Pranareddy Parnum (please refer to the case management order of 14 October 2022 in relation to Mr Parnum). The Second Respondent is ordered to pay each claimant (except for Mr Parnum) the sums set out in the Schedule.
4. The Second Respondent dismissed Mr Lewis Robinson in breach of contract and is ordered to pay the claimant the gross sum of £454.41 in respect of his notice pay. For the avoidance of doubt, no other claimants have brought complaints of breach of contract.
5. The Second Respondent failed to provide a written statement of terms and conditions to each of the claimants under s38 of the Employment Act 2002. The Second Respondent is ordered to pay the compensation to the claimants referred to the Schedule for the sums set out in the Schedule. In relation to the remaining claimants, please refer to the case management orders dated 14 October 2022.
6. Mr Arshal Hussain's claims of age discrimination and of a failure to provide itemised pay statements is dismissed upon his withdrawal of that claim during the hearing on 14 October 2022. For the avoidance of doubt, the remaining claimants' claims of age

discrimination and of a failure to provide itemised pay statements shall continue (subject to the case management orders dated 14 October 2022).

7. For the avoidance of doubt, all of the claimants' claims for payment of accrued holiday pay on termination of employment shall continue. (Please refer to the case management orders dated 14 October 2022).

## NOTES

1. Compensation of 2 weeks wages has been awarded for failure to provide a written statement of terms and conditions. This amount has been calculated using the weekly wages figure provided by the claimants for the week commencing 21 February 2022. For claimants that did not provide work during this week, compensation has been awarded calculated based on their average weekly pay during March 2022.
2. Public access to Employment Tribunal judgments: Judgments and written reasons for judgments, where they are provided, 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 parties in the case.

Employment Judge Deeley

Date: 14 October 2022

# SCHEDULE

| Claim number     | Names of claimants      | Unauthorised deduction from wages (£/gross) | Failure to provide a written statement of terms and conditions (£) |
|------------------|-------------------------|---|--|
| 1. 1802610/2022  | Abdul Rasheed           | 720.00                                      | 360.00   |
| 2. 1802611/2022  | Abinaya Annadurai       | 990.00                                      | 360.00   |
| 3. 1802614/2022  | Alvin Thomas            | 899.90                                      | 356.40   |
| 4. 1802607/2022  | Arslan Hussain          | 664.13                                      | 170.50   |
| 5. 1802613/2022  | Aswathy Mathew          | 1639.20                                     | 356.40   |
| 6. 1802618/2022  | Bharath Anilraj         | 1531.20                                     | 332.40   |
| 7. 1802620/2022  | Habib Urrahman          | 606.06                                      | 209.50   |
| 8. 1802622/2022  | Joshua Roberts          | 1141.44                                     | 498.56   |
| 9. 1802616/2022  | Jozef Pinte             | 445.20                                      | 890.40   |
| 10. 1802621/2022 | Lewis Robinson          | 1969.11                                     | 926.64   |
| 11. 1802619/2022 | Marwa Ahmad             | 1295.60                                     | 616.64   |
| 12. 1802612/2022 | Neha Yadav Sheev Mangal | 66.50                                       | 29.55  |
| 13. 1802608/2022 | Pranayreddy Parnem      | To be determined                            | To be determined   |
| 14. 1802613/2022 | Sharon Shivadas         | 549.00                                      | 864.00   |
| 15. 1802609/2022 | Viknesh Subramanian     | 308.00                                      | 92.88  |