



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr Rohit Pareek

v

**D. Delta Ltd t/a Mira Boiler
(in Liquidation)**

Heard at: Watford

On: 25 May 2022

Before: Employment Judge Bedeau
Mrs J Costley
Ms L Durrant

Appearances

For the Claimant: Mr P Higgins, Solicitor
For the Respondent: Did not attend nor represented

JUDGMENT having been sent to the parties on 14 June 2022, and reasons having been requested in accordance with rule 62(3) of the Rules of Procedure, the following reasons are provided.

REASONS

1. On 24 October 2022, the claimant's legal representatives wrote to the tribunal requesting that the judgment sent to the parties on 14 June 2022, be clarified in relation to the amount in respect of the Basic Award as the Redundancy Payments Office refused to pay the claimant in respect of this award or redundancy pay.
2. The request for written reasons had been made late and although I do not give full written reasons, I am content to explain the assessment of the Basic Award. This is taken from the claimant's Schedule of Loss.
3. For the avoidance of any doubt, then Basic Award is £1,329.60.
4. The Compensatory Award is £23,219.05.
5. The total award of compensation for the claimant's unfair dismissal is £24,548.65.

SCHEDULE OF LOSSBasic Details

Annual Salary:	£21,273.60
Gross Weekly Pay:	£ 443.20
Net Weekly Pay:	£ 375.00
Statutory Cap:	£ 544.00
Start Date:	01.08.2017
End Date:	16.09.2020
Complete continuous service	3 years
Date of birth of claimant:	27 April 1987
Age at effective date of termination (EDT):	33 years

AUTOMATIC UNFAIR DISMISSAL s.100 ERA 1996 REMEDY

BASIC AWARD		
1 Multiplier x 3 x £443.20: £1,329.60	£1,329.60	
TOTAL BASIC AWARD		£1,329.60
COMPENSATORY AWARD		
<u>Loss to Tribunal</u>		
The Claimant claims loss of earnings from the Effective Date of Termination of his employment, 16 September 2020 to the date of the Tribunal hearing, 4 January 2022. 68 weeks		
68 weeks x £375 = £25,500	£25,500	
<u>Loss of pension benefit to date of tribunal</u>		
The Claimant claims loss of Employers pension contributions from the Effective Date of Termination of his employment, 16 September 2020 to the date of the Tribunal hearing, 4 January 2022. 68 weeks or 15.5 months		
15.5 months x £36.44 = £564.82	£564.82	
<u>Loss of statutory rights</u> (2 weeks gross pay)	£886.40	

<p><u>Less Sums obtained through mitigation to the date of Tribunal Hearing</u></p>		
<p>The Claimant has applied for multiple different positions since being dismissed by the Respondent on the 16 September 2020.</p> <p>The Claimant has not been able to find similar managerial skilled accounts work since his dismissal. The Claimant has nevertheless found ad hoc work for employment agencies and has recently started working part-time for Sainsbury's.</p>	<p>(£11,752.88 To 4 January 2022)</p>	
<p>The Claimant continued to look for alternative work at a level similar to his role with the Respondent but was not able to find similar level of work quickly.</p> <p>Rather than wait the Claimant started much more junior roles.</p> <p>The Claimant started working for an agency AFE from 4 March 2021 to 30 April 2021. Total earned: £2,133.56</p> <p>The Claimant started working for Sainsbury part-time from 2 May 2021 till 20 September 2021. Total earned: £5,039.78</p> <p>The Claimant has found a new full-time job working for South Western Railway as a Customer Service Assistant.</p> <p>The Claimants job with Southwestern Railway pays on average £1,427.92 (net) per month or £327.21 (net) a week. This includes regular London Weighting and regular overtime.</p> <p>The Claimant started the new job on 27 September 2021, which to the Tribunal hearing is 14 weeks: £327.21 (current net weekly pay) x 14 = £4,579.54</p> <p>£2,133.56 + £5,039.78 + £4,579.54 = £11,752.88</p>		

TOTAL PAST LOSS	£14,761.94	
Future Loss of Earnings		
The Claimant has a permanent job with the South Western Railway and has now completed his probation period and been confirmed in his role. The Claimant currently receives on average £327.21 (net) from his current job. The Claimant expects that with increased opportunity for overtime, he will on average be earning the same as when employed with the Respondent by October 2022. The Claimant therefore claims the loss of £47.79 per week from the Hearing date 4 January 2022 to 4 October 2022. This is 39 weeks.		
TOTAL FUTURE LOSS		
TOTAL COMPENSATORY LOSS		£18,923.96
ACAS UPLIFT		
Increase in compensatory award due to Respondent's unreasonable failure to comply with the Acas Code up to 25% £18,923.96 (compensatory loss) x 25% = £4,731.49	£4,731.49	
TOTAL COMPENSATORY AWARD		£23,655.45
TOTAL UNFAIR DISMISSAL CLAIM		£24,548.85

The tribunal were told that the claimant had received a payment of £436.40 which we deducted from the Compensatory Award of £23,655.45. This gives figure of £23,219.05. We added the Basic Award of £1,329.60 to the Compensatory Award of £23,219.05, which gives the total unfair dismissal compensation of £24,548.65 and not £23, 548.85 as in the Judgment. This sum is accordingly amended.

Employment Judge Bedeau

Date: 25 May 2022

Date: 23 November 2022 (for Reasons)

Sent to the parties on: 25 November 22

For the Tribunal Office