



EMPLOYMENT TRIBUNALS

Claimant (1): Mr Amarpreet Arora
Claimant (2): Mr Tahir Sadiq

Respondent: Gold Mount Markets Limited

HELD AT: London South (via CVP) **ON:** 2 February 2023
BEFORE: Employment Judge Hart

REPRESENTATION:

Claimant (1): Mr Arora, litigant in person
Claimant (2): Mr Sadiq, litigant in person
Respondent: No attendance

JUDGMENT

The Judgment of the Tribunal provided orally at the hearing on the 2 February 2023, and corrected on the 10 February 2023, is that:

1. The first claimant's claims for redundancy pay and / or unfair dismissal do not succeed due to lack of jurisdiction, the claimant does not have the required 2 years' continuous service.

2. The first claimant's claim for outstanding notice pay succeeds. The respondent provided 1 week's notice and a payment of £122, instead of the contractual notice entitlement of 4 weeks after 1 month's service. The respondent is ordered to pay the first claimant the outstanding sum of **£653.11 net** (calculated as 3 weeks x £258.37 minus £122).
3. The first claimant's claim for unlawful deduction of wages succeeds. The respondent failed to pay his wages between 1 June 2020 and 10 September 2020, and is ordered to pay the first claimant the sum of **£3,875.72 net** (calculated as 3 months x furlough net monthly pay of £1,119.64 plus 10 days x furlough net daily pay of £51.68).
4. The first claimant has suffered financial loss as a consequence of the unlawful deduction of wages, in the form of bank charges. The respondent is ordered to pay the first claimant the sum of **£341.41** (£50 per month American Express charges for four months and Aqua credit card charge of £141).
5. The first claimant's claim for statutory holiday pay accrued in the final leave year succeeds. The respondent is ordered to pay the first claimant the sum of **£1,261 net** (calculated as 19.4 days x £65 per day).
6. The second claimant's claim for redundancy pay succeeds and the respondent is ordered to pay the claimant the sum of **£600 gross** (calculated as 2 weeks x normal gross weekly wage of £300).
7. The second claimant's claim for unfair dismissal on grounds of redundancy succeeds. However the basic award is reduced to nil due to the award of redundancy pay, and the compensatory award is reduced to nil because the claimant would have been dismissed in any event due to the reduction or cessation of the respondent's business.
8. The second claimant's claim for outstanding notice pay succeeds. The respondent provided 1 week's notice instead of the contractual notice entitlement

of 8 weeks after 2 years' service. The respondent is ordered to pay the second claimant the outstanding sum of **£1,764 net** (calculated as 7 weeks x furlough net weekly pay of £252).

9. The second claimant's claim for unlawful deduction of wages succeeds. The respondent failed to pay his wages between 1 June 2020 and 10 September 2020, and is ordered to pay the second claimant the sum of **£3,780 net** (calculated as 3 months x furlough net monthly pay of £1,092 plus 10 days x furlough net daily pay of £50.4).
10. The second claimant has suffered financial loss as a consequence of the unlawful deduction of wages, in the form of bank charges. The respondent is ordered to pay the second claimant the sum of **£180** (bank charges of £45 per month for 4 months).
11. The second claimant's claim for statutory holiday pay accrued in the final leave year succeeds. The respondent is ordered to pay the second claimant the sum of **£1,135.29 net** (calculated as 19.4 days x £58.52 per day).

Employment Judge Hart

Date: 28 February 2023

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.