



## EMPLOYMENT TRIBUNALS

**BETWEEN:**

**Ms S Amer and others**

**Claimants**

**and**

**Tonik Energy Limited (in creditors voluntary liquidation)**

**First Respondent**

**and**

**The Secretary of State for Business, Energy and Industrial Strategy**

**Second Respondent**

**Heard at: Birmingham**

**On: 27 June 2023**

**Before: Employment Judge Gilroy KC**

**Appearances:**

**For the Claimants: Ms N Toner (Solicitor)**

**For the First Respondent: No attendance or representation**

**For the Second Respondent: No attendance or representation**

## JUDGMENT

The First Respondent shall pay to each of the Claimants named in Annexe A attached to this judgment the amount specified against their name in the final column of Annexe A, (headed "Remaining PA").

## REASONS

1. By a judgment by consent made on 31 May 2022, the Tribunal made a protective award to the Claimants named in the Schedule attached to the judgment of 31 May 2022.
2. Reference is made to the above-mentioned judgment and the above-mentioned Schedule.

3. The Claimant issued enforcement proceedings under s.192 of the Trade Union and Labour Relations (Consolidation) Act 1992 and s.186 of the Employment Rights Act 1996.

4. By e-mail received by the Tribunal at 11.15 pm on 26 June 2023, the following was confirmed on behalf of Matthew Cowlshaw, Joint Liquidator of Tonik Energy Limited (in Liquidation):

*“Please be advised that it is not disputed that the employees listed in this claim are entitled to a protective award but we reserve our position on the amount of any outstanding remuneration pending receipt of a proof of debt form from the Redundancy Payments Service and until such time, if sufficient funds become available, that we issue a Notice to Creditors of Intended Dividend (Pursuant To 14.29 of the Insolvency (England & Wales) Rules 2016) giving notice of our intention to declare a dividend to unsecured creditors. On that basis we have no objection with the employment tribunal making a judgement if it sees fit for an award in line with figures provided in the bundle by Nualaw”.*

5. Nualaw are the Claimant’s solicitors.

6. Reference is made to Annexe A attached to this judgment. In relation to each Claimant named in Annexe A, the Tribunal is satisfied that the Claimant concerned:

(a) is entitled to a protective award in the sum specified in the penultimate column of Annexe A, (headed “Total PA”);

(b) has, in partial discharge of his or her protective award, received from the Second Respondent the sum specified in the third last column of Annexe A, (headed “Gross paid by RPS”), and

(c) has an outstanding entitlement in the sum specified in the final column of Annexe A, (headed “Remaining PA”).

7. In the circumstances, the First Respondent shall pay to each of the Claimants named in Annexe A the amount specified against their name in the final column of Annexe A, (headed “Remaining PA”).

---

**Employment Judge Gilroy KC**

Date: 3<sup>rd</sup> July 2023

**Annexe A**

First Name	Second Name	Gross wage / per week	Gross paid by RPS	Total PA	Remaining PA	Case Number
Suman	Aamer	£383.56	£3,068.48	£4,932.58	£1,864.10	1305552/2022
Amina	Ali	£217.77	£1,742.16	£2,800.52	£1,058.36	1305553/2022
Ambareen	Arif	£361.89	£2,895.12	£4,653.91	£1,758.79	1305554/2022
Arpita	Banerjee	£652.05	£4,568.00	£8,385.36	£3,817.36	1305555/2022
Natasha	Bevan	£517.81	£4,142.48	£6,659.04	£2,516.56	1305556/2022
Dukagjin	Cavolli	£370.15	£2,742.57	£4,760.13	£2,017.56	1305557/2022
Gurjinder	Cheema	£361.51	£2,892.08	£4,649.02	£1,756.94	1305558/2022
Olivia	Cookson	£207.20	£1,657.60	£2,664.59	£1,006.99	1305559/2022
Nicholas	Davies	£368.22	£2,945.76	£4,735.31	£1,789.55	1305560/2022
Jonathan	Eling	£613.70	£4,126.53	£7,892.18	£3,765.65	1305561/2022
Damien	Ferris	£489.04	£3,912.32	£6,289.05	£2,376.73	1305562/2022
Omari	Forde	£373.97	£2,991.76	£4,809.25	£1,817.49	1305563/2022
Keon	Glasgow	£489.04	£3,760.11	£6,289.05	£2,528.94	1305564/2022
Dhara	Hardas	£600.93	£4,519.32	£7,727.96	£3,208.64	1305565/2022
Melissa	Hassam	£322.19	£2,577.52	£4,143.36	£1,565.84	1305566/2022
Aqib	Hussain	£369.14	£2,953.12	£4,747.14	£1,794.02	1305567/2022
Nazaqat	Hussain	£306.67	£2,396.04	£3,943.78	£1,547.74	1305568/2022
Scott	James	£369.14	£2,953.12	£4,747.14	£1,794.02	1305569/2022
Georgia	Jones	£419.04	£3,352.32	£5,388.85	£2,036.53	1305570/2022
Ramandeep	Kaur	£200.09	£1,600.72	£2,573.16	£972.44	1305571/2022
Danny	Lakin	£361.89	£2,642.46	£4,653.91	£2,011.45	1305572/2022
Ravinder	Malhi	£361.89	£2,895.12	£4,653.91	£1,758.79	1305573/2022
Lewis	McKellar	£489.04	£3,912.32	£6,289.05	£2,376.73	1305574/2022
Gawin	McLoughlin-Yip	£362.88	£2,903.04	£4,666.64	£1,763.60	1305575/2022
Rozan	Murad	£373.97	£2,991.76	£4,809.25	£1,817.49	1305576/2022
Joyce	Nihoza	£361.89	£2,895.12	£4,653.91	£1,758.79	1305577/2022
Stephen	Nye	£419.02	£3,352.16	£5,388.60	£2,036.44	1305578/2022
Maria	O'Malley	£745.40	£4,568.00	£9,585.84	£5,017.84	1305579/2022
Nisha	Patel	£537.95	£4,303.60	£6,918.04	£2,614.44	1305580/2022
Jacob	Ronan	£360.55	£2,501.22	£4,636.67	£2,135.45	1305581/2022
Manpreet	Sandhu	£431.51	£3,452.08	£5,549.22	£2,097.14	1305582/2022
Robert	Sarginson	£415.93	£3,327.44	£5,348.86	£2,021.42	1305583/2022
Adam	Sawojka	£349.04	£2,792.32	£4,488.65	£1,696.33	1305584/2022
Shannon	Smylie	£253.92	£2,031.36	£3,265.41	£1,234.05	1305585/2022
Lee	Taplin	£373.97	£2,991.76	£4,809.25	£1,817.49	1305586/2022
Melissa	Thomas	£369.14	£2,953.12	£4,747.14	£1,794.02	1305587/2022
Debra	Tranter	£354.79	£2,838.32	£4,562.60	£1,724.28	1305588/2022
Chelsea	Wainman	£369.14	£2,706.31	£4,747.14	£2,040.83	1305589/2022
Markell	Wallace	£362.88	£0.00	£4,666.70	£4,666.70	1305590/2022
Louise	Ward	£489.04	£3,912.32	£6,289.05	£2,376.73	1305591/2022
Chloe	White	£293.80	£2,350.40	£3,778.27	£1,427.87	1305592/2022
Theo	Wynter	£234.63	£1,877.04	£3,017.34	£1,140.30	1305593/2022