



THE EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr M Ranabhat

v Pataka Limited

Heard at: London Central

On: 26 July 2023

Before: Employment Judge Glennie

Representation:

Claimant: In person

Respondent: Neither present nor represented

JUDGMENT

The judgment of the Tribunal is as follows:

1. The complaint of unlawful deduction from wages is well-founded. The Respondent shall pay to the Claimant compensation of £4,466.33.
2. The complaint of non-payment of holiday pay is well-founded. The Respondent shall pay to the Claimant compensation of £1,292.30.
3. The total sum payable by the Respondent to the Claimant is £5,758.96. When paying the Claimant the Respondent may deduct income tax and national insurance contributions as appropriate, but if it does so, it must provide the Claimant with a written statement of the amounts deducted and must state that these have been paid to HMRC.

REASONS

1. The Claimant claims 2 months' unpaid wages and 12 days' unpaid holiday pay. The Respondent has not presented a response and did not appear at the hearing.
2. The Claimant gave evidence in support of his claim, with occasional assistance by way of translation into Nepalese from his sister. He told me

that he was not paid for the months of January and February 2023, following which he left his job. He confirmed that his monthly gross pay was £2,333.33 as shown on his payslips for November and December 2022. He said that since presenting his claim he had received £200 from the Respondent. The Claimant confirmed that he had 12 days' holiday outstanding when he left. I accepted his evidence about these matters.

3. I found that the Claimant is entitled to £4,466.43 in respect of unpaid salary, being 2 months' pay (£4,666.43) less the £200 paid.
4. I also found that the Claimant is entitled to 12 days' holiday pay, calculated as follows: Annual salary £28,000 divided by 52 = £538.46 per week. 12 days = 2.4 weeks. £538.46 x 2.4 = £1,292.30.
5. These are gross figures. As stated in the judgment, the Respondents may deduct income tax and national insurance when paying the Claimant, but must properly account for this if they do so.

Employment Judge Glennie

Dated:26 July 2023.....

Judgment sent to the parties on:

31/07/2023

For the Tribunal Office