



5

**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4101383/2023**

10

**Final Hearing  
Held in Edinburgh  
on 8 August 2023**

**Employment Judge A Jones**

15

**Mr O Mohammed**

**Claimant  
In person**

20

**Hendrie Legal Limited**

**Respondent  
Not present**

25

30

**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

35

1. The respondent breached the claimant's contract of employment by failing to pay him notice pay to which he was entitled and is ordered to pay him damages of £12,000 net in that regard.
2. The respondent unlawfully deducted wages from the claimant in terms of his November 2022 pay and is ordered to pay him the sum of £6000 net in that regard.

40

**REASONS**

1. The claimant submitted a claim form complaining that he had not been paid notice pay, wages and holiday pay. The respondent did not submit a defence to the claim and a Judicial Factor has now been appointed to conduct its affairs. The Judicial Factor informed the Tribunal that as there are no funds available, it would not take part in the proceedings.
2. The Tribunal heard evidence from the claimant under oath and was referred to a number of documents. The Tribunal accepted that the claimant had not been paid for November 2022 during which time he was off sick and had been informed that he would receive his normal pay which was in line with the terms of his contract. Therefore the respondent made an unlawful deduction from the claimant's wages by failing to pay him the sum of £6000 net.
3. The claimant then submitted his notice to the respondent in December 2022. The claimant was contractually required to provide two months' notice, which he did but the respondent did not respond to his correspondence and did not pay him any notice pay. The respondent's failure amounts to a breach of contract of the claimant's contract of employment and the respondent is ordered to pay the claimant damages of £12,000 net in that regard being equivalent to two months' pay.

20

**Employment Judge: A Jones**  
**Date of Judgment: 08 August 2023**  
**Entered in register: 08 August 2023**  
**and copied to parties**

30