



THE EMPLOYMENT TRIBUNALS

Claimant: Ms S Shakeel

First Respondent: RR Swami Ltd

Second Respondent: Raj Mohan Swaminathan

Held at: Middlesbrough

On: 14 and 15 November 2023

Before: Employment Judge Aspden
Ms E Wiles
Mr S Wykes

Appearances

For the Claimant: Mrs Ahari, counsel
For the Respondents: Mr Harthan, counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The following complaints are well founded:
 - a. The claimant's complaint that the first respondent made an unlawful deduction from wages when it failed to pay an amount due to her under regulation 14 of the Working Time Regulations 1998.
 - b. The claimant's complaint that the first respondent made further unauthorised deductions from her wages between September and November 2022.
 - c. The claimant's complaint that the first respondent breached her contract of employment by terminating it without notice.

- d. The claimant's complaint against the first respondent that her dismissal was unfair by virtue of s98 of the Employment Rights Act 1996.
 - e. The claimant's complaint that the first respondent unreasonably failed to provide a written statement of reasons for dismissal under s92 of the Employment Rights Act 1996.
2. The first respondent must pay to the claimant £12,503.02 made up as follows:
- a. Damages for wrongful dismissal in the agreed sum of £2,696.80.
 - b. A 10% uplift on the above amount under section 207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992, agreed by the parties, in the sum of £269.68.
 - c. The amount of the unlawful deductions in the agreed sum of £3,047.31 (including holiday pay of £570).
 - d. A 10% uplift on the above amount under section 207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992, agreed by the parties, in the sum of £304.73.
 - e. Two weeks' pay under s93 of the Employment Rights Act 1996 in the agreed sum of £798.
 - f. Compensation for unfair dismissal in the agreed sum of £5,386.50, comprising a basic award only.
3. The recoupment regulations do not apply.
4. The following complaints are not well founded and are dismissed:
- a. The claimant's complaint against the first respondent that her dismissal was unfair by virtue of s103A of the Employment Rights Act 1996.
 - b. The claimant's complaints that the first and second respondents contravened section 47B of the Employment Rights Act 1996 by subjecting her to detriments on the ground that she made a protected disclosure.
 - c. The claimant's complaints that the first and second respondents contravened the Equality Act 2010 by subjecting her to disability discrimination.
5. The claimant's complaints that the first and second respondents contravened the Equality Act 2010 by subjecting her to age discrimination are dismissed, having been withdrawn by the claimant.

Employment Judge Aspden

Date 27 November 2023

Note

Reasons for the decision 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.