



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P Baniasadi  
**Respondent:** Unipart Group Ltd

**Heard at:** By CVP

**On:** 1 September 2023, 14 and 15 December 2023

**Before:** Employment Judge Eeley

## Representation

**Claimant:** Miss Martin, counsel  
**Respondent:** Mr Nainthy, solicitor

# REMEDY JUDGMENT

1. The claimant's application for reinstatement is refused. The claimant's previous job no longer exists and it would not be practicable for the respondent to comply with such an order.
2. It is ordered that the claimant be re-engaged pursuant to section 115 of the Employment Rights Act 1996 ("ERA").
3. As determined at the hearing, the terms on which the claimant will be re-engaged are as follows:
  - a. The identity of the employer is Unipart Group Limited (s115(2)(a) ERA).
  - b. The nature of the employment: the claimant will be re-engaged as a "Blue Yonder Dispatcher Functional Consultant." The claimant will work at the respondent's Nuneaton premises with some online, remote work (s115(2)(b) ERA).
  - c. The remuneration for the employment will be: a salary of £50,000 gross per annum plus car allowance and reinstated access to health

insurance (s115(2)(c) ERA).

- d. The amount payable to the claimant for the period between the date of dismissal and the date of re-engagement (s115(2)(d) ERA) is:
    - (i) £85,226 in respect of net pay, benefits and recoverable expenses. This sum has already been grossed up for the purposes of accounting for deductions for tax, National Insurance etc.
    - (ii) £2246.21 in respect of employer's pension contributions for the period. This will be paid by the respondent into the claimant's pension account.
  - e. The claimant shall be reinstated to the NEST pension scheme associated with his prior employment as if he had not been dismissed. The respondent shall recommence its employer contributions to the claimant's pension. (s115(2)(e) ERA)
  - f. This order must be complied with by 5 February 2024 (s115(2)(f) ERA).
  - g. If the claimant is re-engaged prior to 5 February 2024, the sum at paragraph 3(d)(i) above shall be reduced to reflect this early re-engagement. A reduction of £154 per day will be made in respect of each day by which the re-engagement is brought forward.
- 4. The recoupment provisions do not apply to this judgment as the claimant has not made any claim for relevant State Benefits.
  - 5. The respondent is ordered to pay for the claimant's preparation time pursuant to rule 76(1)(a) of the Employment Tribunal Rules of Procedure 2013 in the total sum of £3440.

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Employment Judge Eeley

Date: 15 December 2023

JUDGMENT SENT TO THE PARTIES ON  
25 January 2024

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FOR THE TRIBUNAL OFFICE

**Notes**

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.

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