



EMPLOYMENT TRIBUNALS

Claimants:

2413591/2020 Mr Chetan Sangani
2413592/2020 Ms Helen Mackay
2413593/2020 Mr Zuned Hakim
2413594/2020 Mr Eugene Toh
2413595/2020 Mr Neeraj Aluja (Ahuja)
2413596/2020 Mr David Selvan
2413597/2020 Mr Abdul Yasen
2413598/2020 Mr Riad Adam
2413599/2020 Mr Jayant Nadkarni
2413600/2020 Ms Caroline Lever
2413602/2020 Mr Karthikeyen Iyengar

Respondent: Mersey and West Lancashire Teaching Hospitals NHS Trust
(formerly Southport and Ormskirk Hospitals NHS Trust)

Judgment by Consent

UPON the Tribunal having read the Respondent's email of 21 September 2022 (pages 1-3 of the Remedy Bundle);

AND UPON the Claimants and Respondent agreeing that the sums in the pre-penultimate column represent the agreed deduction of pay in the period 4 March 2019 and 30 April 2020 (page 74 of the Remedy Bundle);

AND UPON the Respondent having on 27 September 2022 paid the sums set out in the email to the Claimants (as calculated in the penultimate column in the spreadsheet sent by the Respondent, by email, on 8 June 2023) in satisfaction of the deductions within the period between 4 March 2019 and 30 April 2020 (page 69 of the Remedy Bundle);

AND UPON the Respondent paying the outstanding sums set out in the final column of the spreadsheet set out on page 69 of the Remedy Bundle to Eugene

Toh, Neeraj Ahuja, David Selvan, Abdul Yasen, Riad Adam, Jayant Nadkarni and Caroline Lever.;

AND UPON the Claimants and Respondent agreeing that no entitlement to any sums representing pension loss in the agreed deductions period arises;

AND, save for Mr Hakim (Case No 2413593/2020), each of the Claimants accepting that the sums set out in pre-penultimate column reflect the full amount of the gross deduction made from their wages

AND UPON Mr Hakim accepting the Respondent's agreement to pay the additional sum owed to him in respect of the deduction based on his 12.531 PA's during the period between 4 March 2020 and 30 April 2021;

AND UPON the Respondent paying the said sums to the Claimants in one tax year;

AND UPON Mr Sangani, Mr Iyengar and Ms MacKay accepting that the sums owed by them to the Respondent in the final column of the spreadsheet and in respect of Ms Mackay the sum of £2,929.87 as stated to be an overpayment in her witness statement (i) in the case of Mr Iyengar and Mr Sangani be deducted from their salary or any award of compensation and (ii) in respect of Ms Mackay be deducted from any award of compensation pursuant to s24(2) and/or repaid to the Respondent;

AND UPON the parties agreeing the terms set out below and agreeing to the Tribunal assessing the amount of additional compensation (if any) to be paid to the Claimants under s24(2) Employment Rights Act 1996

AND BY CONSENT IT IS ORDERED THAT:-

1. The Claimant's claims under s23 Employment Rights Act 1996 are well founded and they were subject to unlawful deductions from their wages;
2. Save for the payments set out in paragraph 3 below, there be no order requiring the Respondent to pay any deduction;

3. The Respondent pay to:

Mr Hakim the additional sum of £295.95 (gross);
Mr Toh the additional sum of £1,104.12 (gross);
Mr Ahuja the additional sum of £209.66 (gross);
Mr Selvan the additional sum of £274.54 (gross);
Mr Yasen the additional sum of £89.37 (gross);
Mr Adam the additional sum of £32.70 (gross);
Mr Nadkarni the additional sum of £61.77 (gross); and
Miss Lever the additional sum of £220.22

4. The Claimants have permission to apply to the Tribunal to revisit the amount of additional compensation payable to the affected claimant should HMRC deduct tax in the year of payment (as opposed to treating tax as having been payable in the year or years payments ought to have been made). The time limit for a reconsideration application on this tax point is extended to one year from the date on which this Order is sent to the parties.

Employment Judge Aspinall

Date 2 February 2024

RESERVED JUDGMENT AND REASONS
SENT TO THE PARTIES ON

13 February 2024

FOR THE TRIBUNAL OFFICE

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Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

RESERVED JUDGMENT

Case No: 2413591-20 and others

the relevant decision day in this case is: 13 February 2024

the calculation day in this case is: 14 February 2024

the stipulated rate of interest is: **8% per annum.**

For the Employment Tribunal Office