



EMPLOYMENT TRIBUNALS

Claimant: Mr N Chowdhury

Respondent: Ministry of Defence

Heard at: Bristol (by VHS video) **On:** 24 May 2024

Before: Employment Judge Leverton (sitting alone)

Representation

Claimant: In person

Respondent: Mr Julian Allsop, Counsel

JUDGMENT

1. The complaint of breach of contract in relation to notice pay is well-founded. The respondent shall pay the claimant **£471.25** as damages for breach of contract. This reflects the amount of statutory sick pay the claimant would have received during his contractual notice period, at the 2019/20 gross rate of £94.25 per week.
2. The complaint in respect of holiday pay is well-founded, but only to the extent of five days' leave accrued but not taken on the date the claimant's employment ended. The respondent failed to pay the claimant in accordance with regulation 14(2) and/or 16(1) of the Working Time Regulations 1998. The respondent shall pay the claimant **£805.97**, which includes a sum in respect of employer pension contributions calculated at 27%. The claimant is responsible for paying any tax or National Insurance.
3. The remaining claims for unauthorised deductions from wages (relating to unpaid salary, overtime/flexitime pay, sick pay, additional holiday pay and professional subscriptions) are not well-founded and are dismissed.

Employment Judge Leverton
30 May 2024

JUDGMENT SENT TO THE PARTIES ON
15 June 2024 By Mr J McCormick

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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/>