



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Tankaria

Respondent: Home Office

JUDGMENT

The claimant's application dated **19.03.2025** for reconsideration of the judgment sent to the parties on **08.03.2025** is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

The principal reason for striking out the claim on the ground that it had no reasonable prospect of success was because, taking the claimant's case at its highest, she had not demonstrated any evidence from which it could be argued that the total amount of wages paid on any occasion was less than the total amount properly payable by the employer, within the meaning of section 13(3) of the Employment Rights Act 1996. It was agreed that, as a part time worker, the claimant was paid a higher hourly amount than full time workers to compensate for not being paid for meal breaks. There was no evidence that the claimant was compelled to work through meal breaks, or from which it could be inferred that she was entitled to be paid for doing so. The parties agreed that the only claim made was under section 13 of the 1996 Act and the claimant demonstrated no legal basis for her claim, so that even if time had been extended, the claim was bound to fail.

Date: 20.04.2025

Approved by

Employment Judge Findlay

JUDGMENT SENT TO THE PARTIES ON
7 May 2025

FOR THE TRIBUNAL OFFICE