



EMPLOYMENT TRIBUNALS

Claimant: Gangadevi Chinegadoo

Respondent: London Borough of Enfield

Heard at: Cambridge Employment Tribunal (by video)

On: 16 October 2025

Before: Employment Judge Taft

REPRESENTATION:

Claimant: Mr Fletcher (Trade Union representative)

Respondent: Mr Anderson (Counsel)

JUDGMENT having been sent to the parties on 31 October 2025 and written reasons having been requested in accordance with Rule 60(4) of the Employment Tribunals Rules of Procedure 2024, the following reasons are provided:

REASONS

1. I apologise to the parties for the short delay in providing these reasons: there was a delay in the request being passed on to me.

Introduction

2. The Claimant brought proceedings for unlawful deduction from wages arising out of a dispute over how working on a public holiday was treated by the Respondent. At the outset of the hearing, I sought to clarify the issues with the parties. The Claimant confirmed that she had opted to receive double pay and time off in lieu when working on public holidays. She further confirmed that she had been paid double pay but there was a dispute as to how much time off in lieu she was given in comparison to the number of hours worked. I expressed concern that this was not a deduction from her wages, required for there to be a claim for unlawful deduction from wages, and invited the parties

to address me on whether or not the claim should be struck out as having no reasonable prospect of success.

Law

3. Section 13 Employment Rights Act 1996 confirms that

- (1) An employer shall not make a deduction from wages of a worker employed by him unless—
 - (a) the deduction is required or authorised to be made by virtue of a statutory provision or a relevant provision of the worker's contract, or
 - (b) the worker has previously signified in writing his agreement or consent to the making of the deduction.

4. The Employment Tribunals Extension of Jurisdiction Order 1994 confirms that an employee may bring a money claim for breach of contract against their employer in the Employment Tribunal if *“the claim arises or is outstanding on the termination of the employee's employment”*.

5. Rule 38 of the Employment Tribunal Procedure Rules 2024 provides that

- (1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds—
 - (a) that it is scandalous or vexatious or has no reasonable prospect of success;

Submissions

6. The Respondent suggested that the first question in issue in a claim under Section 13 is what is payable and how much was paid: only then can we go on to consider if there is an unlawful deduction. It was said that in this case it is accepted that there is no deduction so there can be no claim. The Respondent asserted that I must strike out the claim under Rule 38(1)(a) because there is no reasonable prospect of success. It was said that there could not be any prospect of success because there is no deduction.
7. The Claimant conceded that there was no deduction from wages but suggested that there was a “deduction of some sort” because the Claimant had made a choice to receive double pay with time off in lieu rather than the alternative of triple pay.

Conclusions

8. As the Claimant remains employed, I have no jurisdiction to consider whether the Respondent is in breach of contract by giving the Claimant fewer hours of time off in lieu than she believes she is entitled to receive.

9. The Claimant claims an unlawful deduction from wages but she concedes that there has been no deduction from her wages: she received the double pay that she was contractually entitled to receive. She had no entitlement to triple pay because she opted for double pay plus time off in lieu. The dispute is about the amount of time off in lieu she received.

10. Once she conceded that there was no deduction from her wages, the Claimant had no reasonable prospect of succeeding in her claim for unlawful deduction from wages. Without a deduction, there can be no unlawful deduction. The Respondent has not made a deduction from wages so there cannot be a breach of Section 13. I therefore struck out the claim under Rule 38(1)(a).

Approved by:

Employment Judge Taft

4 December 2025

Sent to the parties on:

5 December 2025

For the Tribunal:

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Notes

Judgments (apart from judgments under rule 51) 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.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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 at www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/