



EMPLOYMENT TRIBUNALS

Claimant: Mr Ilyas Seitayev

Respondents: Jusan Technologies Limited (R1) and
Mr Masudul Rony Wahid (R2)

Heard at: London South

On: 27 to 30 April 2026 and 14 May 2026

Case number: 6003675/2024

Before: Employment Judge M Da Costa (sitting alone)

ATTENDANCE AND REPRESENTATION:

Claimant: In person, represented by Mr Weiss of counsel
Respondent: In person, represented by Mr Kibling of counsel

JUDGMENT

The judgment of the Tribunal is as follows:

Complaint of detriment done on the ground of having made a protected disclosure, contrary to section 47B(1) and (1A) Employment Rights Act 1996 (ERA 1996)

1. The claimant's claim for detriment on the ground of having made protected disclosures is well founded and succeeds.
2. On 21 August 2023, 22 August 2023, 23 August 2023 and 30 August 2023 the claimant made qualifying disclosures of information to, respectively, Ms Kulzhan Mehrabi, Mr Aidos Bekturganov and Mr Yerbol Orynbayev.

3. In the reasonable belief of the claimant, the disclosures to Ms Mehrabi and Mr Bekturganov were made in the public interest and tended to show that a potential criminal offence (intentional diversion of monies properly destined for a charitable purpose contrary to fiduciary duties and for the express purposes of excessive self-enrichment) was being committed or was likely to be committed, and that Mr Masudul Rony Wahid (R2) was failing to comply with a legal obligation on him (failure to comply with fiduciary obligations that rested upon him as a Director and the CEO of R1 arising from his duties having regard to the matters listed in section 172(1) and (2) of the Companies Act 2006). Therefore, section 43B(1)(a) and (b) ERA 1996 were satisfied in relation to those disclosures.
4. Ms Mehrabi was both an employer in the meaning of section 43C(1)(a) ERA 1996 and a person with legal responsibility for the relevant failure being disclosed within the meaning of section 43C(1)(b)(ii) of that Act. Mr Bekturganov was not an employer within the meaning of section 43C(1)(a) ERA 1996 but was a person with legal responsibility for the relevant failure being disclosed within the meaning of section 43C(1)(b)(ii) of that Act.
5. The disclosures to Mr Orynbaev were qualifying disclosures within the meaning of section 43G ERA 1996. This is because all the limbs in section 43G(1)(b), (c), (d) and (e) were satisfied and the conditions in section 43G(2)(a) and (c)(i) were met. The Tribunal had regard in particular to section 43G(3) when deciding whether section 43G(1)(e) was met.
6. As to section 47B ERA 1996, both R1 (under section 47B(1) ERA 1996) and R2 (under section 47B(1A)(a) ERA 1996) subjected the claimant to the detriment of failing to pay him the prescribed contractual sum of US\$600,000 that was owed to him on termination of his contract. The Tribunal found that the controlling mind behind the failure to pay was R2. As to causation, the Tribunal was satisfied that in accordance with section 47B(1) and (1A) as interpreted by *Fecitt v NHS Manchester* [2012 ICR 372] and *Zafar v Glasgow City Council*, the detriment was done "on the ground" of the qualifying disclosures that the claimant had made.
7. This judgment does not deal with remedy. A separate date has been set to consider remedy and a separate judgment as to remedy will follow.

M Da Costa

Employment Judge M Da Costa
19 May 2026

Judgment sent to the parties on:
22 May 2026

For the Tribunal Office:

P Wing

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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