EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No. 8000580/2026

Heard in Glasgow on 10 June 2026

Employment Judge O'Donnell

K Banakar	**Claimant** **In Person**
Café Sono	**Respondent** **No Appearance** **or Representation**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Employment Tribunal is:-

1. The claim for unfair dismissal, redundancy pay and notice pay having been withdrawn are hereby dismissed under Rule 51.
2. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of £290 (Two hundred and ninety pounds).

REASONS

1. The claimant has brought a number of complaints against the respondent; unfair dismissal, redundancy pay, notice pay and unlawful deduction of wages.

2. The respondent lodged an ET3 resisting the claim. The terms on which the claims are resisted will be set out in more detail below.

3. A Notice of Final Hearing was sent to the parties on 14 April 2026 providing them with the dates of the present hearing.

4. On 10 June 2026, the claimant attended the final hearing. There was no attendance by the respondent. The ET3 lodged by the respondent only provided a contact address but no contact telephone number or email address. The clerk found a telephone number by way of an internet search and tried to contact the respondent by this method but no contact could be made.

5. The Tribunal was satisfied that the respondent had been informed of the hearing and that every reasonable effort had been made to contact them. It was not in keeping with the Overriding Objective to delay the hearing when the claimant had attended and was entitled to have his case heard. The Tribunal, therefore, decided to proceed with the final hearing.

6. In respect of the claims for unfair dismissal, redundancy pay and notice pay, the claimant required to have a minimum length of continuous service (two years for the former two claims and one month for the latter) for the Tribunal to be able to hear those claims. The ET3 indicated that the claimant had only worked for the respondent for a short period of time in October and November 2025. The ET1 was ambiguous; at section 5.1, it gave dates of employment from 1 January 2023 to 11 November 2025 but at 8.2 there is an indication that the claimant had not worked for the respondent for some time before they asked him to come back to work for them in October 2025.

7. The Tribunal sought clarification from the claimant about whether he had had the necessary length of continuous service and he clarified that he had not worked for the respondent in 2025 until October 2025 (although he had worked for them in the past). In these circumstances, he had continuous service of less than a month.

8. The issue of continuous service was explained to the claimant and, in light of that, he withdrew the claims of unfair dismissal, redundancy pay and notice pay. These claims have been dismissed under Rule 51 of the Employment Tribunal Rules of Procedure 2024.

9. The only remaining claim was one for unpaid wages. The claimant worked 29 hours for the respondent at an hourly rate of £10 an hour. He was, therefore, due £290 in wages and this has not been paid.

10. The ET3 lodged by the respondent does not set out any defence to this claim. The ET3 only addresses the claims of unfair dismissal, redundancy pay and notice pay in the sense that it sets out what the respondent says was a fair reason for dismissal. There is nothing in the ET3 which disputes the number of hours worked by the claimant, the hourly rate or the fact that he was not paid the wages due. Further, there is nothing in the ET3 which sets out any defence that the respondent had prior written authority to deduct any wages.

11. In these circumstances, the Tribunal considers that the claim for deduction of wages is not defended by the respondent and awards the claimant the sum of £290 (Two hundred and ninety pounds).

Date sent to Parties **16 June 2026**