



EMPLOYMENT TRIBUNALS

Claimant: Gurdip Hoonjan

Respondent: Devol Kitchens Limited

Record of a Hearing on Papers at the Employment Tribunal Audio Recorded by CVP

Heard at: Nottingham

Heard on: 5 August 2026

Before: Employment Judge M Butler (sitting alone)

COSTS JUDGMENT

The Employment Judge gave judgment as follows:

The Claimant is ordered to pay costs to the Respondent in the sum of £1,470.

REASONS

Background

1. The Claimant submitted his claim form on 4 March 2025, claiming unfair dismissal and is making a financial claim for the difference between his wages and the SSP he was paid during a three-month sickness absence. At all times during this matter, the Claimant was represented by his father, Mr Kuldip Hoonjan (Mr K Hoonjan), who says he is a qualified accountant.
2. The Respondent defended the claim on the basis that the Claimant did not have two years' continuous employment prior to his dismissal in that he had only been

employed from 22 May 2024 to 31 October 2024. Further, the Claimant's contract of employment clearly stated that he was only entitled to SSP whilst on sickness absence.

3. On 29 May 2025, the Respondent made an application for the claim to be struck out as the Tribunal did not have jurisdiction to hear it. Directions were then made by Employment Judge Broughton that the final hearing of the matter, listed for 11 July 2025, would be converted to a public preliminary hearing to consider the application for strike out or the making of a deposit order. Orders were made for exchange of documents, preparation of a hearing bundle and that the Claimant could prepare a witness statement, attaching evidence about his financial means to be taken into account at the hearing. The Claimant did not comply with any of the Tribunal's orders.
4. On 28 May 2025, the Respondent wrote to the Claimant on a "Without Prejudice Save as to Costs" basis, indicating that they considered the claims had no reasonable prospect of success and confirming why they considered this to be the case. The letter confirmed that if the Claimant withdrew his claim by Friday 6 June 2025, the Respondent would not pursue him for costs but would pursue their costs if the Claimant did not withdraw.
5. At the start of the hearing on 11 July 2025, Mr K Hoonjan withdrew the claims against the Respondent.
6. By letter dated 11 July 2025, the Respondent made a costs application on the grounds that the Claimant and Mr K Hoonjan had acted unreasonably bringing and conducting the proceedings when the claim had no reasonable prospect of success.
7. The Respondent claims £7,770 and has provided a schedule of time spent on the matter but not what work was actually carried out for the majority of the time entries.

Employment Tribunal Rules of Procedure 2024

8. Rule 73 provides that:

"(1) A costs order is an order that the paying party make a payment to the receiving party in respect of the costs that the receiving party has incurred whilst represented by a legal representative....."

9. Rule 74(1) provides that:

"(1) The Tribunal may make a costs order.....on the application of a party....."

10. Rule 74(2) provides that:

"(2) The Tribunal must consider making a costs order..... where it considers that—

- (a) A party (or that party's representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the

proceedings, or part of it, or the way that the proceedings, or part of it, have been conducted,

(b) Any claim, response or reply had no reasonable prospect of success.....”

11. Rule 75 provides that:

“(1) A party may apply for a costs order or a preparation time order at any stage up to 28 days after the date on which the judgment finally determining the proceedings in respect of that party was sent to the parties.”

This provision is implied with by the Respondent.

12. Rule 75(2) provides that:

“(2) The Tribunal must not make a costs order against a party unless that party has had a reasonable opportunity to make representations (in writing or at a hearing, as the Tribunal may order).”

The Claimant has been given such reasonable opportunity in this case.

13. Rule 76 provides that:

“(1) A costs order may order the paying party to pay—

- (a) The receiving party a specified amount, not exceeding £20,000, in respect of the costs of the receiving party;
- (b) The receiving party the whole or a specified part of the costs of the receiving party, with the amount to be paid being determined by detailed assessment.”

14. Rule 82 provides that:

“In deciding whether to make a costs order, and if so the amount of any such order, the Tribunal may have regard to the paying party’s ability to pay.”

15. There are thus three gateways to be cleared before costs may be awarded. The first, are the matters outlined by rules 74(1) or 74(2). This involves the Employment Judge being satisfied that they have the ability to award costs.

16. If one of those gateways to awarding costs is opened, costs may be awarded. There is a discretion here. The second stage, therefore, is to decide whether or not this is a case in which the discretion to award costs should be exercised having regard to the circumstances of the case and the nature of the conduct that has led to the ability to award costs, if it is decided it’s appropriate to do so.

17. The final stage if it is decided to exercise the discretion to award costs, is to determine the amount of such costs. Where evidence of means is provided, this should be taken into account if the Employment Judge is satisfied that an honest and full picture of the financial position has been provided. This also involves considering the amount of costs requested and deciding whether that amount is appropriate for making a decision as to the amount of costs to be ordered.

18. Assessing the amount of costs to be ordered is recognised as being a broad brush exercise. This does not entail a detailed assessment, but is one made broadly in all the circumstances, using the Employment Judge's judgment of what would be reasonable in the particular case.

Conclusions

19. The Respondent says that the Claimant's conduct, and that of his father, was unreasonable in pursuing the claim when it had no reasonable prospect of success. The Claimant, in reply, argues that it was not unreasonable conduct because neither he, nor his father, have any legal knowledge and were unaware that a personal injury claim could not be brought in the Employment Tribunal. I find this to be a somewhat curious argument for the simple reason that there is no indication in the claim form that the claim is one of personal injury. The relevant box ticked in the claim form is for unfair dismissal, followed by a further box ticked representing, "other payments". There is no box referencing personal injury and it should have been perfectly obvious to the Claimant and his father that there is no scope to bring personal injury claims in the Employment Tribunal. I also note that the Claimant failed to comply with the Tribunal's orders and failed to engage at all with the Respondent until shortly before the hearing. The "Without Prejudice Save as to Costs" letter seems to have been completely ignored and, rather than withdrawing the claims at a reasonable time before the hearing on 11 July 2025, the Claimant only did so at the hearing itself when the Respondent would have incurred further costs in attending the hearing. I conclude, therefore, that the conduct of the proceedings was unreasonable on the grounds that the claim had no reasonable prospect of success.
20. In considering all of the circumstances in this case, it is appropriate for me to exercise my discretion to award costs. The Claimant's father, who seems to have conducted these proceedings throughout, says that neither he, nor the Claimant, have the means to satisfy a costs award. The Respondent points out that a personal injury claim was intimated at the time of the hearing on 11 July 2025. This would seem to indicate that the Claimant does have access to some funds to cover the cost of instructing solicitors to pursue a personal injury claim. Mr K Hoonjan says that he and the Claimant lost everything in 2022, when their large care home business was closed down and they now both have repossession orders on their homes and have made payment arrangements with the lenders. He further says that there are other large debts for both of them and evidence could be provided if required. This is, of course, a matter for the Claimant as to whether he provides such evidence and the Tribunal does not have to ask for it. They make a general criticism of the Respondent's solicitors hourly rate of £350 and argue that a fee earner with a lower hourly rate could have carried out the work.
21. In carrying out a broad brush approach to assessing the amount of costs to be ordered, I have already mentioned the lack of specific detail as to precisely what work was carried out by the Respondent's solicitors.
22. I consider it inappropriate to award costs for time spent on a matter by solicitors when there is no, or little indication, of precisely what work was carried out against a particular time entry. In applying this broad brush approach to the Respondent's costs application, and having carefully considered the schedule of

costs and the time entries justifying those costs, I note that only time with a value of £1,470 gives any reasonable indication of the work undertaken. Most of the entries are claims for time with absolutely no indication whatsoever of what work was carried out during those times. Accordingly, I consider a costs order in the sum of £1,470 to be appropriate.

Approved by

Employment Judge M Butler

Date: 9 September 2026

JUDGMENT SENT TO THE PARTIES ON:

29/09/2026

J. Woolley

Note

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.

"Recordings 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/>