



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr C Gandhi

v

Purvin Trading Limited

Heard at: Watford

On: 17 June 2019

Before: Employment Judge Henry

Appearances

For the Claimant: In person

For the Respondent: Not in attendance – appearance not entered

JUDGMENT

1. The claimant's complaints of unlawful deduction from wages, non-payment of holiday pay and an entitlement to redundancy payment, succeeds.
2. The respondent is ordered to pay compensation and damages to the claimant in respect of an unlawful deduction of wages and non-payment of holiday pay in the sum of £2,326.
3. The respondent is ordered to pay a redundancy payment to the claimant in the sum of £2,032.
4. The tribunal orders the respondent to pay to the claimant a total award of £4,358.

REASONS

1. The claimant was employed by the respondent and had continuous service from the 10 September 2014, having been TUPE transferred to the respondent on 25 May 2018, until his dismissal on the 21 October 2018.

Unlawful deduction in wages

2. The respondent failed to pay the claimant a wage for the period from 25 May to 31 May 2018 a total of 1 week. The claimant's weekly wage was £408.47. The claimant has suffered an unlawful deduction from his wage in the sum of £408.47.
3. For the month of July 2018, the claimant was entitled to a wage of £1,770.03. The claimant received a wage of £1,656.43. The claimant has suffered an unlawful deduction from his wage in the sum of £113.60.
4. For the month of August 2018, the claimant was entitled to a wage £1,688.34. The claimant received £1,669.14. The claimant has suffered an unlawful deduction from his wage in the sum of £19.20
5. For the month of September 2018, the claimant was entitled to a wage of £1,770.03. The claimant received the sum of £1,602.67. The claimant has suffered an unlawful deduction from his wage in the sum of £167.36.
6. For the period 1 October to 21 October, a period of three weeks, the claimant has received no wage. The claimant was entitled to a wage during this period, and has suffered an unlawful deduction in the sum of £1,225.41.
7. The claimant has suffered a total unlawful deduction in the sum £1,934.04 from his wages, for the period from 25 May 2018 to 21 October 2018.

Holiday Pay

8. The claimant whose employment with the respondent ended on 21 October 2018, was entitled under his contract of employment to 33 days leave, to be calculated pro-rata. The claimant's leave year ran from 1 January to – 31 December. The claimant worked a five day a week at a daily net rate of £81.69. The claimant was employed by the respondent for 42 weeks from 1 January 2018 to 21 October 2018, and had therefore earned 27.3 days holiday, but had only taken 22.5 days, leaving a balance of 4.8 days for which no payment has been made by the respondent.
9. The respondent is ordered to pay damages for breach of contract in respect of holiday entitlement to the claimant in the sum of £392.13.

Redundancy Payment

10. By correspondence dated 24 September 2018, the respondent wrote to the claimant informing him that, following a period of redundancy consultation having concluded, his employment was to terminate by reason of redundancy, being informed that his last day of employment with the company was to be 21 October 2018. The claimant's employment was duly terminated on 21 October 2018 for reasons of redundancy.

11. The claimant was dismissed by reason of redundancy on 21 October 2018, and was therefore entitled to a redundancy payment, which has not been paid by the respondent.
12. The claimant was born on 22 July 1981, and had continuous service of employment with the respondent from 10 September 2014 to 21 October 2018. The claimant had completed four years continuous service. The multiplier for calculating redundancy is therefore four.
13. The claimant's gross weekly wage was £519.23, which exceeds the appropriate statutory maximum, which is £508 per week, and which accordingly applies.
14. The redundancy payment is therefore 4 times £508, which equates to £2,032. The tribunal accordingly awards the tribunal a redundancy payment in the sum of £2,032.
15. The tribunal awards the claimant a total award of £4,358.

Employment Judge Henry

Date: 20/6/2019

Sent to the parties on:

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For the Tribunal Office