



EMPLOYMENT TRIBUNALS

Claimant: Mr Zahir Khan

Respondent: Café Aylanto Ltd

Heard at: Manchester Tribunal **On:** 27th July 2021 **by:** CVP

Before: Employment Judge Clarke (sitting alone)

Representation

Claimant: In person

Respondent: Ms Alvina Zia (Solicitor – Richmond Legal)

JUDGMENT

- (1) The Claimant's claim that the Respondent had made an unlawful deduction from his wages pursuant to section 13(1) of the Employment Rights Act in respect of unpaid holiday pay is unfounded. This means this part of his claim fails.
- (2) The Claimant's claim that the Respondent had made an unlawful deduction from his wages pursuant to section 13(1) of the Employment Rights Act in respect of unpaid wages prior to his dismissal is well founded. This means that his claim succeeds.
- (3) The Respondent is ordered to pay to the Claimant the **gross sum of £600.00** in respect of the amount unlawfully deducted calculated as follows:

5 days (4, 5, 6, 7 & 8th January 2021) at £120.00 gross/day = £600.00
- (4) The Respondent was in breach of contract by dismissing the Claimant without notice.
- (5) The Respondent is ordered to pay to the Claimant the **sum of £2,279.33 (net)**, for the breach of contract calculated as follows:

1 month's notice at salary of £526.00/wk net.

(Rule 69 correction: gross figure given at oral judgment for 1 week rather than 1 month as found).

Employment Judge L Clarke

Date: 27th July 2021

Judgment sent to the parties and entered in the Register on: 29 July 2021

The reasons for this decision were given orally at the hearing. Written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of this written judgment being sent to the parties.

Public access to employment tribunal decisions

Note that both 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 parties.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2405699/2021**

Name of case(s): **Mr Z Khan** v **Cafe Aylanto Limited**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 29 July 2021

"the calculation day" is: 30 July 2021

"the stipulated rate of interest" is: **8%**

Mr S Artingstall
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".
3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.
4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).
5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.
6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.