



EMPLOYMENT TRIBUNALS

Claimant: Mr Ashish Nath

Respondents: (1) Meera Nursing Home Limited
(2) Mr Nikhail Nayar

Heard at: Watford Hearing Centre (by video hearing)

On: 7 to 14 February 2022 (6 days reduced from 8) and 21 February 2022

Before: Employment Judge G Tobin
Members: Mrs J Costly
Mr L Hoey

Representation

Claimant: Mr I Ahmad (counsel)
Respondent: Mr F Husain (solicitor)

JUDGMENT

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by HM Courts & Tribunal Service Cloud Video Platform (wholly remote). A face-to-face hearing was not held because the relevant matters could be determined in a remote hearing.

The unanimous judgment of the Employment Tribunal is that: -

1. The claimant made a protected disclosure under s43B Employment Rights Act 1996 on 3 July 2019 in respect of the audit of Ms Susie Magnier and her registration or authorisation for data control purposes. The claimant's 2 other alleged whistleblowing disclosures were not protected disclosures under s43B Employment Rights Act 1996.
2. The claimant was subject to 4 out of 18 detriments claimed on the grounds of whistleblowing or protected disclosure, in contravention of s43B Employment Rights Act 1996.
3. The respondent did not dismiss the claimant because he had made a protected disclosure, in breach of s103A Employment Rights Act 1996.
4. The respondent did unfairly dismiss the claimant, in breach of section s94

Employment Rights Act 1996.

5. **The claimant was subjected to an unlawful deduction of wages contrary to s13 Employment Rights Act 1996 in respect of underpayment or non-payment of wages due for 2 days in January 2020 and 5 days in February 2020.**
6. **The case will be listed for a remedy hearing if the parties are unable to agree compensation.**

Employment Judge Tobin

Date: 4 March 2022

JUDGMENT SENT TO THE PARTIES ON

11 March 2022

FOR THE TRIBUNAL OFFICE

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

All 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.