



EMPLOYMENT TRIBUNALS

Claimant

Mr O F Nagdee

Respondent

Device Revive Limited

v

Heard at: Manchester (by CVP)

On: 23 September 2024

Before: Judge Johnson

Appearances

For the Claimants: appeared in person and unrepresented

For the Respondent: did not attend

JUDGMENT

Background

- (1) The claimant was employed by the respondent from 18 November 2023 until 3 January 2024 when he was dismissed.
- (2) The claimant was contracted to work 14 hours over 2 days each week for the gross hourly rate of £9 per hour at their Blackburn premises. Although the claimant was provided with payslips by his employer, he did not receive any pay from them during his employment.
- (3) The claimant presented a claim form on 26 January 2024 following a period of early conciliation and brought complaints of unlawful deduction from wages in the amounts described below and notice pay. The respondent was re-served with the proceedings at their registered office and failed to present a response and they have not indicated that they are resisting the complaints brought.
- (4) The claimant confirmed that he received a tax rebate from HMRC on 16 June 2024 in the sum of £169.40 and acknowledges that he may be required by HMRC to reimburse this sum to them once the respondent has paid to him the judgment sum below.

Decision made in relation to the complaints brought by the claimant.

- (5) The complaint of unlawful deduction from wages is well founded and succeeds.
- (6) The complaint of breach of contract is well founded and succeeds with the claimant being entitled to receive one week's notice pay.
- (7) The respondent shall pay to the claimant compensation in respect of his successful complaints in the gross sum of **£1,023.75 (One Thousand and Twenty-Three Pounds Ninety-Two Pence)** and calculated as follows:

Unlawful deduction from wages payment <ul style="list-style-type: none"> 1. 18 November to 29 November 2023 (27.75 hours x £9 per hour) = £249.75 2. 30 November to 29 December 2023 (65 hours x £9 per hour) = £585.00 3. 1 January to 3 January 2024 (7 hours x £9 per hour) = £63.00 	Subtotal/Total £897.75
Breach of Contract/Notice Pay <ul style="list-style-type: none"> 1. The claimant was entitled to 1 weeks' notice pay (14 hours x £9 per hour) = £126.00 	£126.00
Grand total	£1,023.75

Employment Judge Johnson

Date: ...23 September 2024.....

Sent to the parties on: .26 September 2024

For the Tribunal Office

Notes

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.

Recording 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/>



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2400510/2024**

Name of case: **Mr O F Nagdee** v **Device Revive Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day, the calculation day, and the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 26 September 2024

the calculation day in this case is: 27 September 2024

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:
www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.