



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Shri-Giritharan

**Respondent:** Menzies Aviation

**Heard at:** London South                      **On:** 29 October 2018

**Before:** Employment Judge Cheetham QC

## Representation

Claimant: in person

Respondent: Mr William Dobson (counsel)

## JUDGMENT

1. The claim for unauthorised deduction of wages is dismissed.

## REASONS

1. This is a claim for unauthorised deduction of wages. At the start of this hearing, I asked the Claimant to explain to me what these deductions were, because it was not clear from the claim form.
2. First, he said that there had been a failure to pay him about 13 hours' holiday pay at the rate of £9.74 per hour in respect of the 30 and 31 March 2018. However, when we then looked at the Claimant's pay slip for June, it showed a payment of £131.49 for 13.5 hours at £9.74 per hour. This payment was recorded as "overtime", but – as the Claimant seemed to accept - that was simply the generic term used to describe all additional payments. The Claimant therefore agreed that he had in fact received this holiday pay, so there was no failure to make that payment in respect of that annual leave.
3. It then transpired that the Claimant was really referring to a further payment in August in respect of holiday pay, where he said there was a deduction (only) about £5. However, as this post-dated his Claim Form (20 July), even

if it was correct that he was owed about £5 - which did not seem at all likely - it was not part of this claim.

4. It should be pointed out that this part of the claim fell away before any evidence was heard; we were still at the stage of working out what were the alleged unlawful deductions.
5. Secondly, the Claimant said he had not been paid for two periods of overtime on 20 March and 15 April 2018, each of 30 minutes, so there was an alleged deduction of £9.74 in total. However, the Claimant quickly accepted that no deductions at all could be found by looking at his payslips. With regard to 20 March, he had apparently stayed on at work for an extra 30 minutes, but had been allowed to come in 30 minutes later the next day. With regard to the 15 April, his timesheet did indeed show 30 minutes overtime, but that was reflected in a payment on the relevant payslip.
6. Therefore, just by looking at the agreed documentation and discussing the case with the Claimant, it became clear that there were no deductions at all.
7. Perhaps unsurprisingly, I suggested to the Claimant that this was not the best use of the employment tribunal's time and resources. The Claimant said that when he had complained to the Respondent, he had been ignored and that is why he brought his claim to the employment tribunal. However that is not correct, because Mr Dobson took me to a detailed letter of explanation from the Respondent dated 11 July, in other words shortly before the claim form was issued. It pointed out all of the above matters, which the Claimant accepted at this hearing.
8. It follows that the claim must be dismissed as having no basis whatsoever. I would add that, where a few minutes' consideration of the documents shows that there is no basis for a claim, then a claimant is not acting reasonably or proportionately in either bringing or pursuing his claim.

Employment Judge Cheetham QC

Date 5 November 2018