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EMPLOYMENT TRIBUNALS

Claimant: Mr Richard Rengasamy

Respondents: Secretary of State for
Business, Energy & Industrial Strategy

Heard at: East London Hearing Centre

On: 25 March 2019

Before: Regional Employment Judge Taylor

Representation

Claimant: Did not attend

Respondent: Did not attend (written representations provided)

REMEDY JUDGMENT

The judgment of the Tribunal is that the claimant's claim for payment from the National Insurance Fund made against the respondent is dismissed.

REASONS

1. The claimant presented a claim against Colne Valley Irrigation Ltd on 11 October 2018 for unauthorised deduction of wages. The company had been dissolved by that date and the claim could not lawfully proceed.
2. The claimant subsequently brought a claim for payment from the National Insurance Fund in respect of the arrears of pay against the Secretary of State, pursuant to section 182 of the Employment Rights Act 1996.
3. The respondent provided a response to the case on 11 January 2019. The SoS has authority to make payments to former employees of insolvent companies in circumstances as defined in section 182 Employment Rights Act 1996. The SoS resists this claim because he is not empowered to make a payment under section 182 because the company was not insolvent as defined by section 183 of Employment Rights Act 1996.

4. The claimant has not informed the tribunal that he has applied for the company to be restored to the register. The respondent's grounds for resistance are not opposed and are accepted by the tribunal. Therefore, the claim is dismissed.

Regional Employment Judge Taylor

Dated: 25 March 2019