



EMPLOYMENT TRIBUNALS

Claimant: Mr S Singh

Respondent: HCH Property and Investment Limited

HELD AT: Sheffield (by telephone) **ON:** 25 September 2020

BEFORE: Employment Judge Little

REPRESENTATION:

Claimant: In person

Respondent: No attendance or appearance

JUDGMENT PURSUANT TO RULE 21

My Judgment is that:-

1. The claimant is entitled to a Judgment under Rule 21 of the Employment Tribunals Rules of Procedure 2013 because the respondent has failed to present a response within the allocated time.
2. Accordingly the complaint of failure to pay holiday pay contrary to the Working Time Regulations 1988 succeeds.
3. The claimant is awarded the sum of £1,100 which is payable to him by the respondent forthwith.

REASONS

1. When presenting his claim on 4 May 2020 Mr Singh named the respondent as HCH Property and Investment Limited. The claim was served at the address the claimant provided for the respondent, which was 2 Unicorn Hill, Redditch B97 4QN.
2. When the claim was referred to me on 17 June 2020 to consider whether it was appropriate to enter a Judgment at that stage (no response having been received from the respondent) I directed that the claim should be re-sent to the respondent's registered office at 485 Birmingham Road, Marlbrook, Bromsgrove B61 0HZ. That re-sending was effected on 23 June 2020.
3. Again no response was received. The file was placed before another Employment Judge at the end of June with a view to a Rule 21 Judgment being considered. For reasons which I cannot understand, that Judge believed that the respondent company had been dissolved and declined to make a Judgment on that basis.
4. On 8 July 2020 the claimant wrote to the Tribunal indicating that he believed that the company had not been dissolved. Rather confusingly when explaining why he believed it existed he gave a company registration number of 08931736 which turns out to be the number of what appears to be a sister company of the respondent, HCA Care Limited.
5. Because of the ongoing confusion an Employment Judge decided that there should be a telephone hearing to clarify matters and that is what I have undertaken today. Perhaps unsurprisingly the respondent did not take part in today's hearing. Indeed their ability to do so would have been limited as they had not entered a response. The claimant has confirmed to me that despite referring to a number which relates to a different company, the correct respondent is, and always has been, HCH Property and Investments Limited. I am satisfied that that company has been properly served with the claim but has failed to present a response. In those circumstances the claimant is entitled to a Judgment in default.

Employment Judge Little

Date 1st October 2020