



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Mohamed Patel

**Respondent:** Go North West Limited

**Heard at:** Manchester

**On:** 9 December 2024

**Before:** Employment Judge Cookson

## REPRESENTATION:

**Claimant:** In person

**Respondent:** No response received and the respondent did not attend to seek to make representations

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to respond to the notice of this claim sent to its registered address on 10 October 2024. As a consequence Employment Tribunal Rule 21 applies.
2. The complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant for 3 days annual holidays accrued in the gross sum of £554.61
3. The complaint of unauthorised deductions from wages in relation to holiday pay paid is well-founded. The respondent made an unauthorised deduction in the gross sum of £258.93 from the claimant's wages when he was paid some holiday pay but not all that he was entitled to in relation to holiday taken in June 2023.
4. ACAS uplift: The respondent made unlawful deductions of £813.54. In light of all of the circumstances in this case it is just and equitable to increase the amount payable by 25% because of the respondent's unreasonable failure to comply with the ACAS Code. No explanation has been offered by the respondent for the failure and I have taken into account that there has been a

history of non-compliance with the Code when this claimant has raised concerns about underpayment of holiday pay in the course of his employment which makes this repeated failure particularly egregious. The total gross amount payable in this respect is £203.39.

5. The respondent shall pay the claimant the total sum of **£1016.93** within 14 days. The claimant is responsible for paying any tax or National Insurance.

**Employment Judge Cookson  
9 December 2024**

Judgment sent to the parties on:

16 December 2024

For the Tribunal:

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**Notes**

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**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://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: **2411803/2023**

Name of case: **Mr M Patel** v **Go North West Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party 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: 16 December 2024

**the calculation day** in this case is: 17 December 2024

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

For the Employment Tribunal Office