



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms K Viruthasalam

**Respondent:** Dr. Rimi Mukherjee And Dr. Mousumi Mukherjee  
Trading As Oxgate Gardens Surgery

**Heard at:** Watford Employment Tribunal (In Public; By Video)

**On:** **12 December 2024**

**Before:** Employment Judge Quill (Sitting Alone)

## Appearances

For the Claimant: In Person  
For the respondent: Ms A Acheampong, litigation consultant

# JUDGMENT

1. The Respondent failed to make the correct payment in lieu of unused entitlement on termination.
2. The deduction from the Claimant's wages on 28 January 2024, in the sum of £349.58, described as "Nov AL deduction" was unauthorised.
3. In relation to national minimum wage entitlement, the respondent accepts that there was an underpayment of £30.18.
4. For the decisions in the 3 paragraphs above, no further payment is due because (on around 25 or 26 September 2024), after the claim had been presented, the Respondent made payment of £379.76, which the Claimant accepts fully resolves those underpayments/deductions.
5. There was also an unauthorised deduction from wages of £354.95. This relates to 5 days (5 September 2023, 8 September 2023, 9 October 2023, 11 October 2023 1 November 2023) which the Respondent accepts should have been paid at £70.99 per day. **The Respondent is ordered to pay the gross sum of £354.95 to the Claimant.**

6. I also make an award of two weeks' pay in accordance with section 38 Employment Act 2002. **The Respondent is also ordered to pay the sum of £709.90 to the Claimant.**
7. Claims about the correct amounts (if any) which the Respondent was obliged to pay to the NHS Pension fund by way of Employer Pension Contribution are outside the Tribunal's jurisdiction (and, in particular, are outside the definition of "wages" in section 27 of the Employment Rights Act 1996).
8. The complaints alleging that the sums shown on the Claimant's payslips as "Ee Pension" were unauthorised deductions from wages is dismissed. The Claimant did authorise the employer to make appropriate deductions to pay to the NHS Pension fund by way of Employee Pension Contribution. She failed to prove that the Respondent acted outside the scope of that authorisation (and, in particular, failed to prove that the Respondent's assertions to have made the correct payments were false).

## Employment Judge Quill

Date: 12 December 2024

JUDGMENT SENT TO THE PARTIES ON  
5 January 2025

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FOR THE TRIBUNAL OFFICE

### Public access to employment tribunal decisions

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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.

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