



EMPLOYMENT TRIBUNALS

Claimant

Mr Dilip Chudasama

v

Respondent

Eros International Ltd (in administration)

Heard at:

Watford Employment Tribunal

On:

13 November 2024

Before:

Employment Judge Alliott

Appearances

For the Claimant:

In person

For the Respondent:

Did not attend

JUDGMENT

The judgment of the tribunal is that:

1. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £16,844.50.
2. The claimant was dismissed in breach of contract in respect of notice and the respondent must pay damages to the claimant of £15,000 (subject to tax and National Insurance). Credit is to be given for £5,000 already paid.
3. The respondent has failed to pay the claimant's holiday entitlement and must pay the claimant £1,582.50 (subject to tax and National Insurance).

REASONS

1. This claim proceeds with the consent of the administrators.
2. The administrators have indicated that they do not intend to mount any defence to these claims. Accordingly, I decided to proceed in the absence of the respondent.
3. The claimant was employed on 30 January 1995. His employment terminated on 30 April 2022 by reason of redundancy.
4. By a claim form presented on 26 September 2022, following a period of early conciliation from 1 June to 12 July 2022, the claimant brings claims for a redundancy payment, notice pay and holiday pay.

5. The claim for a redundancy payment has been brought within six months.
6. Three months from 30 April 2022 would expire on 29 July 2022. The period of early conciliation would add 41 days. The last date for presentation of the claimant's claim would therefore have to be 8 September 2022. The claim is therefore 18 days late in relation to the notice pay/holiday pay claims.
7. The claimant explained to me that he was unaware of time limits, was not a lawyer and was trying to sort the situation out with his ex-employer. The respondent is not here to argue against the claimant's position. In the circumstances I accept that it was not reasonably practicable for the claimant to present his claim in time and that he presented it within a reasonable time thereafter.

Statutory redundancy payment

8. The claimant's salary was £65,000, he had been continuously employed for 27 years and was 60 years old at the time of dismissal. His statutory redundancy payment is therefore £16,844.50.

Notice pay

9. The claimant was entitled to 12 weeks' notice. His claim for £15,000 therefore succeeds but with £5,000 to be credited for a payment already made.

Holiday pay

10. The claimant has shown me a document whereby the respondent calculated the claimant's outstanding holiday pay to be in the sum of £1,582.50. I do not know how that has been calculated but I am prepared to accept that it is the accurate position.
11. The claimant's claim for a payment for long service is dismissed as I have no power to make such a payment.

Employment Judge Alliott

Date: 26 November 2024

Sent to the parties on: 02/01/2025

For the Tribunal Office

Note

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.

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/>