



EMPLOYMENT TRIBUNALS

Claimant: Mr A Kasim & Mr A Hannan

Respondent: Blue Nile Restaurant Limited

HELD AT: Manchester (by CVP) **ON:** 18 November 2021

BEFORE: Judge Cowx (sitting alone)

REPRESENTATION:

Claimant: Mr S Miah - Lay Representative

Respondent: Did not attend

JUDGMENT

1. The unfair dismissal claims are dismissed upon withdrawal by the claimants.
2. A default judgment was previously made against the respondent for failing to respond to the claim and in accordance with Rule 21(2) of The Employment Tribunal Rules of Procedure. Accordingly, the claims for payment of wages owed to the claimants succeeds, as do the claims for holiday pay for both claimants.
3. For the claim of unpaid wages brought by the claimants the respondent is ordered to pay each claimant the sum of **£1,707.68**. This figure has been calculated using gross monthly pay and the respondent is to deduct from that amount the required sum payable to HM Revenue and Customs for National Insurance.
4. For Mr Karim's claim to holiday pay, the respondent is to pay Mr Karim the gross sum of **£1,608.34**. For Mr Hannan's claim to holiday pay, the respondent is to pay Mr Hannan the gross sum of **£2,676.46**.
5. The total sum payable by the respondent to Mr Karim is **£3,316.02**.

6. The total sum payable by the respondent to Mr Hannan is **£4,384.14**.

Judge Cowx
18 November 2021

JUDGMENT SENT TO THE PARTIES ON
25 November 2021

FOR THE TRIBUNAL OFFICE

Notes

1. 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.
2. Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2409481/2020 & Other**

Name of case(s): **Mr A Karim** v **Blue Nile Restaurant**
Mr A Hannan **Limited**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 25 November 2021

"the calculation day" is: 26 November 2021

"the stipulated rate of interest" is: **8%**

Mr S Artingstall
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.
2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".
3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.
4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).
5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.
6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.