



EMPLOYMENT TRIBUNALS

Claimant: Mr. J Mapranathukaran

Respondent: Historic Hotels and Properties Limited

Heard at: Hull **On:** 15, 16, 17, 18, 19 and 22 January 2024

Before: Employment Judge Miller

Representation

Claimant: In person

Respondent: Mr R Scott – managing director

JUDGMENT

Unfair Dismissal

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
2. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by 20 % in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
3. The claimant caused or contributed to the dismissal by blameworthy conduct and it is just and equitable to reduce the compensatory award payable to the claimant by 30%.
4. It is just and equitable to reduce the basic award payable to the claimant by 30 % because of the claimant's conduct before the dismissal.
5. The respondent shall pay the claimant the following sums:
 - (a) A basic award of **£2398.20**
 - (b) A compensatory award of **£7267.40**

Note that these are actual the sums payable to the claimant after any deductions or uplifts have been applied.

Notice Pay

6. The complaint of breach of contract in relation to notice pay is well-founded.
7. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by 20% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
8. The respondent shall pay the claimant **£3,600** as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as Post Employment Notice Pay.

Wages

9. The complaint of unauthorised deductions from wages for holiday taken but not paid in respect of the pay for February 2023 is well-founded. The respondent made an unauthorised deduction from the claimant's wages.
10. The respondent shall pay the claimant **£1471.28**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.
11. The complaint of unauthorised deduction from wages in respect of a bonus payment of £5000 on 31 Augst 2022 was not presented within the applicable time limit. It was reasonably practicable to do so. That complaint of unauthorised deductions from wages is therefore dismissed.
12. The complaints of unauthorised deductions from wages for the bonus for the period ending April 2023 and for wages for the period from 13- 18 February 2023 are not well founded and are dismissed.

Accrued holiday pay

13. The complaint that he respondent failed to pay the claimant in accordance with regulation 14(2) and/or 16(1) of the Working Time Regulations 1998 in respect of holiday accrued but not taken is not well founded and is dismissed.

Employment Judge **Miller**

22 January 2024

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.

**Case number: 1802564/2023
6000591/2023**

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