



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4102998/2018**

**Employment Judge: Ian McPherson**

**Mr Charles Harrigan**

**Claimant**

**Datalytics Technology Ltd**

**Respondents**

## **JUDGMENT**

### **Rule 21 of the Employment Tribunal Rules of Procedure 2013**

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under Rule 21:

- 1 The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of £27,083.35 (Twenty Seven Thousand and Eighty Three Pounds and Thirty Five Pence) being 5 months gross salary @ £5,416.67 (Five Thousand, Four Hundred and Sixteen Pounds and Sixty Seven Pence) per month from October 2017 to February 2018.

#### **Case No 4102998/2018**

- 2 This sum is to be paid gross and the claimant shall be responsible to make payment to HMRC for any income tax and employee National Insurance undertaken thereon.
- 3 The claim for a further £5,012.19 (being 3 months @ £1,670.73) for 3 months N.I, tax deductions not paid to HMRC (July to September 2017) appears to

have been filed out of time, and so there is an issue whether or not the Tribunal has jurisdiction to entertain that claim. I have ordered a Preliminary Hearing on time-bar to consider that matter.

- 4 Further, the claim for a further £1,354.15 for 5 months' pension plus contributions due from 1 October 2017 (being 5 months' x 5% gross salary = £270.83. X 5) is reserved for further consideration by the Judge on receipt of additional information from the claimant, within 14 days of issue of this Judgment, and the claimant is ordered to provide further and better particulars of the relevant pension plan and provide copy of relevant vouching documents and explain why, if the respondents were obliged to issue payments to my pension provider (whomsoever that may have been), it is appropriate for the Tribunal to order the respondents to make payment of the sum claimed to him. In these circumstances, there appears to be an issue whether or not the Tribunal has jurisdiction to entertain this part of the claim. I have ordered that this matter shall be considered at the Preliminary Hearing arranged to consider time-bar.
- 5 The final hearing listed on 18 May 2018 at 10.30am is converted into a Preliminary Hearing – time estimate increased to two hours. The respondents will only be entitled to participate in that Preliminary Hearing to the extent permitted by the Judge.

Employment Judge: G I McPherson  
Date of Judgement: 25 April 2018  
Entered in register: 25 April 2018  
And copied to parties

«case\_no\_year»