



# THE EMPLOYMENT TRIBUNAL

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**SITTING AT:** LONDON CENTRAL  
**BEFORE:** EMPLOYMENT JUDGE ELLIOTT (sitting alone)  
**BETWEEN:**

**Ms S Sultan**

**Claimant**

**AND**

**Taste Italian Ltd t/a Zonzo**

**Respondent**

**ON:** 13 November 2018

**Appearances:**

**For the Claimant:** In person

**For the Respondent:** No appearance

## **JUDGMENT**

The Judgment of the Tribunal is that the claim is dismissed.

## **REASONS**

1. By a claim form presented on 24 May 2018 the claimant Ms Selam Sultan claims unlawful deductions from wages. The claimant worked at the Zonzo Restaurant on 13 March 2018, 17 March 2018, 24 March 2018 and 28 March 2018. She worked a total of 16 hours and has not been paid.
2. The claimant's case is that when she asked for payment she was told that as she had not given two weeks' notice she would not be paid. The claimant knew nothing about having to give two weeks' notice. She was not issued with a contract or any documentation of any sort.
3. The claim was originally listed to be heard on Wednesday 12 September 2018. The ET3 was due to be filed by 20 August 2018. The respondent was originally named as "Zonzo" and the claimant was asked by letter of 31 August 2018 to confirm whether the respondent was a company and if so to give the name and registered address.

4. The claimant replied on 31 August 2018 saying that address was Zonzo Restaurant Italian in the Edgware Road, London W2. By letter of 12 September the claimant was informed that she should state the full company name and address recognised at Companies House. The claimant was asked to respond by 19 September 2018. She did not do so.
5. The claim was served on Taste Italian Ltd t/a Zonzo based on the company registration number for Zonzo – 11293921. No ET3 was received.
6. On 9 November 2018 an email was sent by a person from Zonzo stating that an employee of the tribunal “*tracked down [her] home telephone number and called [her] at home, regarding this matter*”. They gave a name for this person and said he was extremely rude. No person of that name works for London Central Employment Tribunal and the sender of the email was informed of this and informed that tribunal staff do not engage in this sort of behaviour.
7. The email attached a screenshot from Companies House to show the date the company, Taste Italian Ltd, was incorporated. This was 5 April 2018. They said that if the claimant worked for Zonzo in March, they had not taken over yet.
8. I directed that the reply to Zonzo should also state that there was a hearing taking place today. That email was sent by tribunal staff at 16:30 hours on 12 November 2018 and copied to the claimant. The claimant told the tribunal that she received this.
9. A reply was received at 22:21 hours on 12 November 2018 stating that the claimant had never been employed by the company and “*therefore there is no valid reason for me to attend court*”. This made it clear that no attendance was proposed on the part of this company.
10. The screenshot sent with the email of 9 November 2018 showed that Taste Italian Ltd was incorporated on 5 April 2018 and had a registered office address in London NW6. This was not the address given by the claimant, which was the address of the restaurant in London W2. The claimant’s pleaded case was that the last day of work relied upon was 28 March 2018 just over a week before the incorporation of Taste Italian Ltd.
11. The claimant was given no documentation. She agreed to work for a person named “Sammy” and was not sure whether this was his correct name or a nickname. She did not know his last name. She did not have an address. She said she agreed to work for the minimum wage and she washed dishes.
12. I agreed with the claimant that it was wrong that she had worked for someone and not been paid. The difficulty for the tribunal was that there was no proper respondent to the proceedings and no-one against whom the tribunal could enter judgment if her claim succeeded.
13. I had to explain to the claimant that I was not able to give her advice on

what she should do and that she should seek advice from elsewhere. I gave her two options: either that I would dismiss the claim because of the lack of a respondent upon whom to serve the proceedings or to give her more time to identify the respondent. I suggested a period of 14 days.

14. The claimant said she would find it difficult to identify the respondent and therefore she would leave it. I expressed my sympathy to her and said that in those circumstances I would have to dismiss her claim as there was no respondent upon whom to serve the claim and against whom any judgment could be enforced. It was clear to me that Taste Italian Ltd was not the correct respondent to the proceedings.

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**Employment Judge Elliott**  
**Date: 13 November 2018**

Judgment sent to the parties and entered in the Register on: 14 November 2018.  
\_\_\_\_\_ for the Tribunals