

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKĀURAU ROHE**

[2026] NZERA 371
3447924

BETWEEN HARISH KUMAR
 ANANDAN
 Applicant

AND BAIJU RAJAN
 Respondent

Member of Authority: Sarah Blick

Representatives: Applicant in person
 No appearance for respondent

Investigation meeting: 11 June 2026 by audio visual link

Information received: At the investigation meeting

Determination: 12 June 2026

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Harish Kumar Anandan (Mr Kumar) says he worked for Indigo Traders Limited (now in liquidation) (Indigo) from July 2025 to January 2026. He seeks to recover his final ordinary pay and holiday pay, totalling \$1,128.96 gross. Mr Kumar seeks leave to recover those monies directly from Indigo's director Baiju Rajan on the basis money is owing due to breaches of employment standards, Mr Rajan was involved in those breaches, and in the event Indigo is unable to pay the monies owed.

[2] Mr Rajan has not lodged a statement in reply or engaged with the Authority in this matter, so his views are unknown.

The Authority's process

[3] Mr Kumar's statement of problem was served at Mr Rajan's listed residential address as a director of Indigo, on 9 March 2026. Service documents record it having been signed by "B Rajan". No statement in reply was received.

[4] The Authority attempted to arrange a case management conference, by copying in an email address Mr Kumar had provided for Mr Rajan. The Authority also telephoned the contact number provided for Mr Rajan, without answer and with no facility to leave a voicemail.

[5] A notice of investigation meeting was issued and served at the same residential address of Mr Rajan on 8 June 2026, advising a meeting would be held on 11 June 2026 by audio visual link. Details of the meeting link were included.

[6] At 1pm on 11 June 2026, at the start of the investigation meeting, an Authority Officer telephoned the contact number for Mr Rajan. Again, no one answered the call. The meeting commenced. In the absence of any indication Mr Rajan wished to engage with the Authority application, and no reason given for his absence, the Authority proceeded to hold the investigation meeting and heard oral evidence from Mr Kumar under affirmation. Mr Rajan did not at any point connect to the meeting.

[7] This determination has stated findings of fact and law, expressed conclusions on issues necessary to dispose of the matter and specified orders made. It has not recorded all evidence and submissions received but all material has been considered.¹

Issues

[8] The issues for investigation and determination are whether:

- (a) Indigo failed to pay Mr Kumar his final pay and holiday pay;
- (b) If so, the amount that is owing; and
- (a) If the defaults in payments were due to a breach of employment standards, whether leave should be granted to recover payment from Mr Rajan.

¹ Employment Relations Act 2000, section 174E.

Background

[9] Mr Kumar gave evidence that he reported to Mr Rajan during his employment, and that Mr Rajan was responsible for payroll within the business.

[10] Mr Kumar said in January 2026, he and other staff members were told their employment was ending due to financial circumstances relating to Indigo, with its furniture stores having been, or being in the process, of closing down. He accepted the end of his employment but says he did not receive his two final payments.

[11] He has provided copies of two final payslips he received by email. The first records a payment date of 14 January 2026 of an ordinary time payment of \$672.00. The second payslip records a payment date of 28 January 2026 of holiday pay of \$456.96. Mr Kumar says he did not receive either payment into his bank account. He has presented his bank transaction history for the same bank account number as shown in the payslips for the period 3 September 2025 to 3 March 2026, which shows he received no wage payments from Indigo after 1 January 2026.

[12] Mr Kumar has also provided email correspondence from 24 February 2026 to Mr Rajan requesting the relevant payments. His oral evidence was that Mr Rajan telephoned him after this email, and asked for one or two days to make the payments. No payment was received, and on 3 March 2026 Mr Kumar emailed Mr Rajan again advising if the payment was not received promptly, he would be lodging a claim with the Authority. Having heard nothing from Mr Rajan, Mr Kumar lodged an application.

[13] Mr Kumar's unchallenged evidence outlined above is accepted.

Indigo failed to make the payments

[14] The evidence established that Indigo has failed to pay the amounts identified in the payslips.

Mr Rajan is liable for the payments

[15] The Authority is satisfied that Indigo breached employment standards under s 4 of the Wages Protection Act 1983 in relation to the payments, and also relevant provisions of the Holidays Act 2003 in failing to pay holiday pay on termination. The defaults in payment are due to those breaches.

[16] Based on Mr Kumar's evidence, the Authority is satisfied Mr Rajan and his actions fall within the ambit of s 142W of the Employment Relations Act 2000 as a person involved. He had knowledge of the essential facts that established the breaches due to the role he held in Indigo. He was also on notice of the defaults well prior to Indigo's liquidation, indicated payment would be made, but failed to ensure it was. Leave is granted to recover the monies from Mr Rajan, and he is liable to pay them to the extent Indigo cannot pay them.

Interest

[17] Mr Kumar is entitled to an award of interest on the payments due to him.² Interest should be calculated from 29 January 2026 (the day after what should have been Mr Kumar's last pay day). Interest accrues until full payment is made.

Outcome

[18] Baiju Rajan is to pay the following monies, to the extent Indigo is unable to pay them, to Harish Kumar Anandan within 14 days of the date of this determination:

- (a) \$672.00 (gross) as ordinary time pay;
- (b) \$456.96 (gross) as holiday pay; and
- (c) Interest on those amounts from 29 January 2026 until full payment is made.

[19] Mr Kumar also sought the provision of an experience letter, but has been advised the Authority does not have the ability to order the same.

[20] A copy of this determination is to be sent to the liquidator of Indigo for their information.

Costs

[21] There is no issue as to costs.

Sarah Blick
Member of the Employment Relations Authority

² Interest must be calculated using the Ministry of Justice civil debt interest calculator: <https://www.justice.govt.nz/fines/civil-debt-interest-calculator/>.