

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No S/4105748/2016

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Held at Glasgow on 22 March 2017

Employment Judge: Ian McPherson (in chambers)

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Mr John Ross Hamilton

Claimant

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Scottish Prison Service

Respondent

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The claimant's complaint of breach of contract, alleging wrongful dismissal by the respondents, having been withdrawn by the claimant's representative on 17 March 25
2017, by response to Orders of the Tribunal dated 27 February 2017, that part of his claim against the respondents is dismissed by the Tribunal under **Rule 52** of the Rules contained in **Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**, but the remaining parts of the complaint alleging unfair dismissal, unlawful disability discrimination, and unlawful 30
deduction from wages, all remain standing and will proceed to the Preliminary Hearing assigned for 4 May 2017, as previously ordered by the Tribunal.

REASONS

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1. This case previously called before me, on 24 February 2017 for a Case Management Preliminary Hearing. My written Note and Orders of the Tribunal, dated 27 February 2017, were issued to both parties under cover 40
of a letter from the Tribunal on 28 February 2017.

2. In response to the Orders made by me, as set forth at paragraphs 2(a), (b) and (c) of my Orders, the claimant's solicitor, Laura Salmond, from BTO Solicitors LLP, Glasgow, intimated the claimant's response to those Orders on 17 March 2017 by e-mail sent to the Glasgow Tribunal office, and with copy sent at the same time to the respondents' representative, Pamela Keys at Anderson Strathern LLP, Glasgow
3. Within the claimant's response to calls made by the respondent, in particular at paragraph 162 of the respondents' ET3 response, it is stated that the claimant withdraws the claim of wrongful dismissal.
4. I have treated Ms Salmond's written statement to that effect as withdrawal of that part of the claim under **Rule 51** of the Rules contained in **Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**, thus bringing that part of the claim before the Tribunal to an end.
5. In these circumstances, I have further decided it is appropriate to issue a **Rule 52** Judgment, dismissing that part of the claim against the respondents, following upon its withdrawal by the claimant's representative, which means that the claimant may not commence a further complaint against the respondents raising the same, or substantially the same, complaint of wrongful dismissal, arising from the termination of his employment with the respondents effective on 16 September 2016.
6. For the avoidance of any doubt, the remaining parts of the complaint brought by the claimant against the respondents, in his ET1 claim form presented on 21 December 2016, alleging unfair dismissal, unlawful disability discrimination, and unlawful deduction from wages, remain standing and will proceed to the further Case Management Preliminary Hearing, on 4 May 2017, as ordered at the previous Preliminary Hearing held on 24 February 2017.

5 Employment Judge: GI McPherson
 Date of Judgment: 22 March 2017
 Entered in register: 28 March 2017
 and copied to parties