



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr S Ali & others

v

**Caparo Precision Tubes Limited &
Secretary of State for BIS**

Heard at: Birmingham

On: 21,22 August 2017

Before: Employment Judge Broughton

JUDGMENT

The claimants made claims for unfair dismissal, breach of contract and for unpaid holiday pay (in addition to the claims on their behalf for a protective award which are dealt with separately).

In relation to the claims for holiday pay and breach of contract certain payments have apparently been made.

Accordingly, on application on behalf of the claimants, the proceedings are stayed for 4 weeks. The claimant's representative shall inform the tribunal on or before 19 September 2017 which, if any, of the claimants continue to pursue such claims and, if they do pursue them, setting out precise calculations of the amounts claimed and giving credit for the amounts already received.

Following the decision in relation to the claims for a protective award the individual claims are deconsolidated from the other conjoined Caparo claims.

In relation to the claims for unfair dismissal the tribunal is considering striking out the response on the ground that it has no reasonable prospect of success and for non compliance with the order of 24 April 2017.

The reasons for this are that the respondent has issued only a blanket denial of the allegations and has failed to particularise the same when ordered to do so. Moreover, the evidence produced in the hearing of the claims for a protective award appeared to show considerable failures in relation to both procedural and substantive fairness.

Accordingly, the response in relation to the unfair dismissal claims will be struck out on 12 September 2017 unless the respondent provides a detailed response to the unfair dismissal allegations and can show that their contentions have some reasonable prospect of success by that date.

Employment Judge Broughton

Date: 22 August 2017