



EMPLOYMENT TRIBUNALS

Claimant:

Miss M Puar

v

Respondent:

Cameron Clarke Lawyers Ltd

Heard at:

Reading

On: 1 September 2017

Before:

Employment Judge Gumbiti-Zimuto

Appearances

For the Claimant:

In person

For the Respondent:

Mr J Singh (Consultant)

JUDGMENT ON AN APPLICATION FOR COSTS

1. The claimant is ordered to pay the respondent costs in the sum of £600.00.

REASONS

1. This case was listed for hearing on 6 April 2017. The hearing was listed to deal with the claimant's application for reconsideration and also to consider the respondent's application for costs. The claimant did not attend. The circumstances surrounding that hearing and what happened on the day is set out in the reasons given in the judgment relating to the hearing on 6 April 2017 and I do not repeat them here.
2. Today Mr Singh made an application for costs against the claimant in which he sought the sum of £5,850.00. Mr Singh provided a bundle for the costs hearing accompanied by a summary of the respondent's position. In that document, Mr Singh sets out the claimant's conduct he contends was unreasonable, vexatious and abusive. He says that as a result the claimant ought to be required to pay costs. In part, he relied on observations that I made in the judgment relating to the hearing on 6 April.
3. The claimant has attended today and she has made a number of observations in support of her own case. In relation to the gravamen of the trigger for costs in this case, the claimant has really said nothing at all. The claimant has talked extensively about the background to the claim. She insisted that there was substance to her claim to the employment tribunal

and she explained why she failed to attend on 6 April. The claimant continues to insist that she was told that the hearing was at 3.00 pm, I explained to the claimant that it is unlikely that she could have been told that by the employment tribunal as no cases are ever listed at 3.00 pm at Reading – or at least, I am not aware of any cases ever having been listed at 3.00 pm.

4. The claimant gives no explanation that I consider justifies her failure to attend on 6 April. If anything, the claimant's explanation exacerbates the circumstances surrounding 6 April because she states that she made the choice not to attend because she had other things that she was required to do. Stepping back from matters, I am satisfied that in relation to attendance on 6 April, the claimant's conduct was unreasonable.
5. Looking at the case as a whole, I stand by my earlier observations that it could be seen that these proceedings were intended to harass and annoy the respondent. However, I would qualify that to this extent. It also appears to me that what gave rise to these proceedings was a genuine sense of grievance between the claimant and the respondent. I am satisfied that the claimant genuinely believes that she was owed the sums that she claims against the respondent and for those reasons it appears to me that there could have been a hearing at which she may have been able to succeed. She may have failed, but had she conducted the case in the appropriate manner and the case been heard by a tribunal, it is not a case that would otherwise have incurred an order for costs. However, the abusive way in which the claimant has conducted the case is a factor that I take into account. I am satisfied that the claimant's behaviour has been abusive towards representatives of the respondent.
6. Having concluded that the circumstances in which a costs order can be made arise in this case, I have gone on to consider whether it is appropriate for me to make an order for costs against the claimant. The claimant has given me some information relating to her means to pay a costs order. She indicated that she has an income of about £1,300.00 per calendar month and indicated that she has expenses in the region of about £900.00 to £1,100.00 per month. I am satisfied that the claimant therefore does have some facility to be able to meet an order for the payment of costs. I am satisfied that she has the means to pay a costs order.
7. What should the appropriate order for costs should be in this case? I am not satisfied that it is appropriate for me to make an order for costs that the claimant pay the whole of the respondent's costs as claimed in the sum of £5,850.00. I am however satisfied that her failure to attend on 6 April in circumstances where she could have notified the respondent in good time that she was not going to attend that day was unreasonable conduct. It was unreasonable because the hearing was listed pursuant to her application for a reconsideration of the claim following the claim having been struck out by the tribunal.

8. In my view justice requires that the claimant pay the respondent's costs but it should be limited to the attendance of Mr Singh at the tribunal on 6 April. I make an order for costs in the sum of £600.00. This is the amount which I am told by Mr Singh represents the costs of the hearing on that date.

Employment Judge Gumbiti-Zimuto

Date: ...1 September 2017.....

Judgment and Reasons

Sent to the parties on:

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For the Tribunal Office