



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Taheri

**Respondent:** Wren Living Limited

## JUDGMENT

The claimant's application dated 5 August 2017 for reconsideration of the judgment sent to the parties on 4 August 2017 is refused.

## REASONS

1. I have considered the claimant's application for reconsideration of the judgment striking out his claim as vexatious. His application simply asserts that his case does in fact have merit and that my decision violates his rights under Article 6 of the European Convention on Human Rights.

### Rules of Procedure 2013

2. Rule 70 sets out the circumstances in which a judgment may be reconsidered. The test is whether it is necessary in the interests of justice to reconsider the judgment. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application without a hearing if I consider that there is no reasonable prospect of the original decision being varied or revoked.

3. Such preliminary consideration under rule 72(1) must be conducted in accordance with the overriding objective which appears in rule 2, namely to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.

### Preliminary Consideration

4. The claimant does not provide any new evidence to substantiate his assertion that his case has merit. There is no prospect of his application changing my view on that point.

5. As for Article 6, it provides that

**“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”**

6. That adds nothing to the domestic law which I summarised in paragraphs 38 – 43 of the reasons which accompanied my judgment. The hearing at which I struck out the claim was a fair and public hearing. I took account of the particular public interest in discrimination complaints being heard on the merits (see paragraph 42). Reference to Article 6 makes no difference.

7. Accordingly I am satisfied that there is no reasonable prospect of the original decision being varied or revoked. The application for reconsideration is refused.

Employment Judge Franey

15 August 2017

JUDGMENT SENT TO THE PARTIES ON

FOR THE TRIBUNAL OFFICE