



EMPLOYMENT TRIBUNALS

Between

Claimant: Mrs G France

First Respondent: Mr M Z Z Khan

Second Respondent: Quality Solicitors A-Z Law

JUDGMENT OF THE EMPLOYMENT TRIBUNAL ON AN APPLICATION FOR RECONSIDERATION UNDER RULE 70 OF THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE 2013

JUDGMENT

It is the judgment of the Tribunal in accordance with rule 72(1) that the application by the Claimant dated 17 July 2017 for a reconsideration of the judgment dated 13 July 2017 be refused on the ground that there is no reasonable prospect of the original decision being varied or revoked.

REASONS

- 1 This case has a long history, and is now listed for a hearing to commence on 25 June 2018. As long ago as 18 April 2016 the Claimant applied for an order striking out the responses of the Respondents 'due to their premeditated forgeries and falsification of key documents central to these proceedings' with the consequence that the Claimant could not have a fair hearing. In the application it was said that the submission of such documents was 'calculated to prejudice the Employment Tribunal's administration of justice.'
- 2 Following considerable correspondence not directly relevant I instructed that the Claimant's application be listed for a hearing. The notice of hearing which was issued dated 19 May 2017 stated that the purpose of the hearing to be:

To consider the Claimant's application to strike out the response and (subject thereto) to make any appropriate case management orders.
- 3 The hearing took place on 13 June 2017 when the Claimant was represented by Mr Leonard Ogilvy. Mr Ogilvy had a further hearing in the afternoon and it was agreed that Mr France, the Claimant's son, would address me on the factual issues, and Mr Ogilvy on the legal implications. The Respondent was represented by Jonathan Heard of counsel.
- 4 My decision set out in the judgment was that the application to strike out the responses was refused. I gave oral reasons at the hearing.

- 5 On 17 July 2017 Mr France wrote to the Tribunal essentially saying two things. The first was that my written judgment did not accord with the oral judgment, and secondly that in the alternative I should review the judgment on the basis of there having been a procedural irregularity. I will deal with each point in turn, although they are closely related.
- 6 My note of the judgment is unequivocal and I am entirely clear in my own mind of my decision. I am also entirely clear that I made it clear to Mr Ogilvy at the outset what the purpose of the hearing was. I concluded that on the evidence available at the hearing it was not appropriate to strike out the responses. The next issue was whether, in effect, to adjourn the application to another hearing, whether a further preliminary hearing or at the hearing on the merits. My note records that I had decided not to do so on the basis that I considered it highly unlikely that a Tribunal would take the very serious step of striking out the responses so as to prevent the Respondents from defending the claims. I therefore dismissed the application.
- 7 I made a specific point of stating that the judgment did not prevent the Claimant from raising the factual allegations at the hearing. The Tribunal could then be invited to draw appropriate conclusions.
- 8 The second ground advanced by Mr France was that there had been a procedural irregularity in that the hearing had not been listed to consider the strike out application, and that my conclusion that the application had in fact been heard was plainly wrong. That is not the case. The notice of hearing could not be clearer. Further in his submissions Mr Ogilvy specifically said that a fair trial was not possible, and that the responses ought to be struck out. He said that it was appropriate to make such an order to bring the proceedings to a conclusion and to save expense. I have a further note that after Mr Ogilvy had spoken Mr France added that it would be wrong to refuse the application without having heard (or seen) the evidence. I am satisfied that Mr France knew the purpose of the hearing.
- 9 For those reasons I conclude that there is no reasonable prospect of the judgment being varied or revoked and therefore refuse the reconsideration application in accordance with the provisions of rule 72(1).

**Employment Judge Baron
14 September 2017**