



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Kris Tearse

**Respondents:** (1) British Gas Trading Limited  
(2) Cognizant Worldwide Limited

## JUDGMENT

The following complaints are struck out as having no reasonable prospects of success:

- (1) all and any complaints against the second respondent, Cognizant Worldwide Limited;
- (2) complaints against the first respondent, British Gas Trading Limited, of failure to inform and consult under the Transfer of Undertakings (Protection of Employment) Regulations 2006.

## REASONS

1. At and following a preliminary hearing on 30 January 2017, the parties were informed that, for reasons set out in writing in a case management order signed by me on 31 January 2017, I was proposing to strike out the complaints referred to in the above Judgment because they appeared to me to have no reasonable prospects of success. The parties were given an opportunity to object to the striking out of those complaints by 20 February 2017; none of them objected, by that date or at all; and my views as to the merits of those complaints have not changed. Those complaints are therefore struck out pursuant to rule 37.
2. Accordingly, the second respondent is no longer a party to these proceedings, the claim continues against the first respondent only, and the only complaints that remain are:
  - a. so-called 'ordinary' unfair dismissal under section 98 of the Employment Rights Act 1996;
  - b. automatically unfair dismissal under regulation 7(1) of the Transfer of Undertakings (Protection of Employment) Regulations 2006;
  - c. a claim for a contractual redundancy payment, alternatively for a statutory redundancy payment;
  - d. wrongful dismissal (i.e. a claim for damages for breach of contract for failing to give notice of dismissal);



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- e. breach of the duty to make reasonable adjustments under sections 20 and 21 of the Equality Act 2010.

16 March 2017

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Employment Judge Camp

SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE