



EMPLOYMENT TRIBUNALS

Claimant: Dr. J Gosalakkal

Respondent: University Hospitals of Leicester NHS Trust

JUDGMENT

The Claimant's application dated 22nd July 2017 for Reconsideration of the Judgment sent to the parties on 11th April 2017 (with Reasons thereafter having been requested and sent on 13th July 2017) is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked. The reasons that the Claimant gives for inviting the Tribunal to reconsider the Judgment are matters which have already been ventilated and considered and/or are either were or could have been raised at the Detailed Assessment hearing.

I deal with the Claimant's submissions in this regard adopting the main broad headings as identified in his application for Reconsideration:

(i) Failure to carry out a fair and legal disentanglement process

The question of disentanglement was dealt with in the Reasons for the Judgment at paragraphs 71 to 86 following representations from the parties.

The Claimant's point that the exercise was carried out only from the size of the bundles submitted by the Respondent is not understood given that as the Claimant will be aware, the Respondent served a detailed bill of costs which was utilised at the Detailed Assessment hearing and in respect of which the Claimant was Ordered to file Points of Dispute.

Other than his disagreement with the conclusions reached by me at the hearing, the Claimant does not raise any issue in his Reconsideration application which affects the determination that I made.

I therefore reject the Claimant's submission that there ought to be a Reconsideration of the Judgment as a result of this issue.

(ii) Wrong application of proportionality requirements

The question of proportionality was dealt with in the Reasons for the Judgment at paragraphs 97 to 100. The Claimant does not set out any proper basis upon which he suggests that there has been an incorrect application of “proportionality requirements”.

I therefore reject the Claimant’s submission that there ought to be a Reconsideration of the Judgment as a result of this issue.

(iii) Judicial bias

The Claimant continues to allege bias but other than the fact that decisions have been made by me which are adverse to him, he does not appear to set out any basis for that contention. He has been requested to do so previously by the Tribunal in order to assist in this aspect of his applications being dealt with. That has included his applications for recusal, which have all been previously determined.

The Claimant appears to suggest some connection between the Judge and the Respondent and/or the Respondent’s Counsel. It remains unclear what any such connection is said to be. For the avoidance of doubt, there is none.

Insofar as the Claimant appears to contend that the Judgment sent to the parties on 5th June 2015 made no reference to unreasonable conduct (and thus the Claimant suggests that this has been introduced at the point of the Detailed Assessment) he may wish to refer particularly to paragraphs 71; 81 and 93 of the Reserved Judgment that dealt with the Respondent’s costs application.

The Claimant also appears to suggest that the Respondent was permitted to re-open aspects of the Judgment of Employment Judge Ahmed and members. As he will recall, the matters raised at paragraph 3 of his Reconsideration application related to the time that would have been taken in all events to deal with the ordinary unfair dismissal claim at hearing and were therefore relevant to the disentanglement exercise. No aspect of the determination made by Employment Judge Ahmed and his members was re-opened in favour of the Respondent. As has been made clear a number of times previously, it was not open for me to do that despite a number of invitations from the Claimant to do so.

I therefore consider that this aspect of the Claimant’s application for reconsideration has no prospect of seeing the Judgment varied or revoked.

(iv) Perversion in the application of the facts to the law in this case

This paragraph of the application is not understood but may appear to relate to the Claimant’s ongoing wish to re-open previous Judgments, which have been the subject of earlier Reconsideration applications and appeals. It is not open to me to do so and the only purpose of the Detailed Assessment hearing was to deal with the quantum of costs to be Ordered to be paid.

I therefore reject this aspect of the Claimant’s application.

(v) Other miscellaneous reasons

It is not entirely clear what the other miscellaneous reasons as referred to by the Claimant in his Reconsideration application are. However, I should note that I have considered the entire application and any matters which are not expressly dealt with above are ones which I am satisfied have either already been ventilated, either at the Detailed Assessment hearing or in previous decisions, or that the Claimant had the opportunity to ventilate, particularly by complying with Orders made to file proper Points of Dispute.

For the reasons given above, I therefore reject the Claimant’s submissions as having any reasonable prospect of successfully arguing that the Judgment made following the Detailed Assessment hearing should be varied or revoked and for that reason the application for Reconsideration is refused.

Employment Judge Heap

Date 15th August 2017
JUDGMENT AND REASONS SENT TO THE PARTIES ON _____

.17 August 2017.....

..S.Cresswell.....
FOR THE TRIBUNAL OFFICE