



EMPLOYMENT TRIBUNALS

Claimant: Mr N Hoque
Respondent: Lidl Limited

JUDGMENT

The claimant's application for reconsideration of the judgment sent to the parties on 17th November 2017 is refused.

REASONS

1. I have considered the claimant's application for reconsideration of the judgment dismissing the complaint of breach of contract made by email of 17th November 2017.
2. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application if I consider that there is no reasonable prospect of the original decision being varied or revoked. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 70). 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.
3. The claimant's claim as laid out in his claim form was for damages for personal injury arising from an alleged unsafe system of work. The claimant also confirmed that to be the basis of his claim at the Preliminary Hearing. In his email, the claimant repeats his assertion that the respondent endangered his health and safety but states that he wishes to put 'personal injury' to one side. However, the entire premise of the claimant's claim is that he sustained injury to his mental health because of the respondent's omissions and so setting aside 'personal injury' as he suggests would leave no claim to pursue.

4. Accordingly, having considered the claimant's email 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 Howard

21 November 2017

JUDGMENT SENT TO THE PARTIES ON

22 November 2017

FOR THE TRIBUNAL OFFICE