



EMPLOYMENT TRIBUNALS

Claimant: Mr J Williams
Respondent: Badger Office Supplies Ltd

JUDGMENT

The respondent's application dated **15 August 2018** for reconsideration of the judgment sent to the parties on **30 August 2018** is refused.

REASONS

1. The application should be received within 14 days of the judgement being sent out. This application predates that.
2. In any event, there is no reasonable prospect of the original decision being varied or revoked because there has at no time been a claim of breach of contract brought by the claimant. Without that claim, the Tribunal does not have jurisdiction to hear a counterclaim.
3. Section 3 Employment Tribunal's Act 1996 provides a power for the appropriate Minister by Order to extend the jurisdiction of the Employment Tribunal to deal with certain breaches of employment contracts. The power is exercised in the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 Article 3. Article 4 extends the jurisdiction to hear certain counterclaims brought by an employer provided that :- (d) 'proceedings in respect of a claim of that employee have been brought before an Employment Tribunal by virtue of this Order'.
4. The case of Patel v RCMS Limited UKEAT/152/98/1307 cited by the respondent does not assist it's case. It relates to a case where there had, at the outset of the claim, been a breach of contract claim included, which

Case No: 2411067/2018

was subsequently withdrawn, and the counterclaim was allowed to continue. In the respondent's case there has never been a breach of contract claim, and there is nothing therefore to give the Tribunal the jurisdiction to deal with it.

Employment Judge Warren

Date 30 August 2018

JUDGMENT SENT TO THE PARTIES ON

19 September 2019

FOR THE TRIBUNAL OFFICE