



EMPLOYMENT TRIBUNALS

Claimant: Mr M Ullah

Respondent: Stagecoach London

Heard at: London South **On:** 17 December 2018

Before: Employment Judge Martin

Representation

Claimant: Did not attend

Respondent: Mr Bailey - Counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The Claimant's claim for unauthorised deductions from wages is struck out as being out of time and it being reasonably practicable for it to have been brought in time.
2. The Respondent's application for costs succeeds and the Claimant shall pay the Respondent £2,500 costs.

REASONS

1. The Claimant presented his claim on 14 September 2018 in relation to unpaid wages which were due for payment on 11 May 2018. The Claimant approached ACAS for early conciliation on 13 September 2018. The primary three month time limit expired on 10 August 2018. The Claimant accepts his claim is out of time in his claim form. He says he did not know of the time limits.
2. I have discretion to extend time if I consider it was not reasonably practicable to do so. Ignorance of time limits is not sufficient. As the Claimant did not attend or make any written submission I had no grounds on which to consider if it was reasonably practicable. The Claimant's claim was out of time and is struck out.
3. The Respondent made an application of its costs in preparing for and attending this hearing. The application was for £3,300 including Counsel's fee of £1250.

4. I was handed various items of correspondence passing from the Respondent to the Claimant to which no response was received:
 - a. 30 November 2018 – costs warning with reasons given.
 - b. 10 December 2018 – costs warning with reasons given
 - c. 13. December 2018 – Costs schedule sent in support of costs application and asking for confirmation regarding exchanging witness statements.
5. The application for costs was made pursuant to rule 74 Employment Tribunal Rules of Procedure 2013. Rule 77 provides that no such order may be made unless the paying party has had a reasonable opportunity to make representations (in writing or at a hearing as the Tribunal may order) in response to the application. The Claimant by the letters set out above was given this opportunity. He chose not to attend the hearing or make any written representations.
6. I was given a schedule of costs which I summarily assessed. I gave judgment that the Claimant pay to the Respondent £2,500 costs as I considered this to be reasonable and proportionate.

Employment Judge Martin

Date: 17 December 2018