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EMPLOYMENT TRIBUNALS

Claimant: Mr M Iqbal

Respondent: MJL Holdings Ltd

Heard at: East London Hearing Centre

On: 30 October 2018

Before: Employment Judge Russell

Representation

Claimant: In person (assisted by Mr Hussain McKenzie Friend)

Respondent: Mr M Luff (Director)

RECONSIDERATION JUDGMENT

The Claimant's application for a reconsideration dated 7 October 2018, is dismissed. There are no reasonable prospects of the original decision being varied or revoked. The judgment is confirmed. The reasons are as follows.

REASONS

1 The case is set down for a two-day hearing on 6 and 7 September 2018. Due to a lack of judicial resource on that occasion, it could not be heard. Instead the parties accepted my offer of dealing with a preliminary issue concerned with the effective date of termination.

2 I heard evidence from the parties on that occasion and I also considered a bundle of documents provided by the Respondent, that is the bundle that appears before me today. I have my reasons on that occasion for rejecting the Claimant's arguments, the contract of employment had terminated before the Respondent purported to dismiss for gross misconduct. Instead I found that the effective date of termination was 26 April 2017 and I set out my reasons based upon an analysis of contemporaneous correspondence.

3 In his application for a reconsideration, the Claimant revisits that correspondence and seeks to repeat the submissions made and arguments from the previous occasion as to why the correspondence should be construed in his favour as showing an earlier dismissal date.

4 Having carefully considered the grounds of the review application or reconsideration application, I am satisfied that the Claimant is simply seeking to reargue points which had been fully considered and/or ready rejected.

5 The rules for a reconsideration are such that one is not entitled to essentially a second bite of the cherry; there has to be finality in litigation and the Claimant has identified nothing within his application which gives any reasonable prospect of it being varied or revoked. Accordingly, the application is dismissed.

6 The Claimant applies to have the Respondent's response struck out on grounds of, it would appear, abuse of conduct of proceedings. Specifically he maintains that the ET3 response and in particular an attached document, is a falsified and fabricated document and as such the entire response should be struck out in its entirety. This is an application that the Claimant first made, or certainly made as early as July 2018.

7 The point is this. In the bundle of documents used at a hearing on 19 April 2018, the copy of the ET3 rider had only six pages as opposed to the seven pages apparently received by the Claimant. On the strength of that the Claimant makes serious allegations of fraud and falsification. Those allegations are also made against the Respondent's former solicitor. Indeed, he says that the solicitor was fully aware that the document was false, he was complicit in falsification of evidence, he was seriously considering reporting the solicitor to the Solicitor's Regulation Authority for Professional Misconduct requesting for severe disciplinary action to be taken, possibly amounting to him being struck off as a solicitor. Perhaps not surprisingly the Respondent's solicitor replied in an email of 5 September 2018 strongly refuting the Claimant's assertions, provides an explanation essentially which amounts to administrative error that he had inadvertently attached a copy of a draft and then upon realisation of the fact and the client had amended the format and some of the content. The final document was a little longer. That is the document that was submitted and it stands as the response.

8 There are therefore, two competing accounts. On the one hand the Claimant alleges fraud and falsification which, if right, would amount to contempt of court and perjury. On the other hand, the Respondent's solicitor and the Respondent strongly denied that there has been anything more than an administrative error. That is a dispute of evidence which I must hear on the facts of the case. I simply cannot accept at face value such a very serious assertion. Clearly if the Claimant is correct the consequences will be severe. Equally, if the Claimant is incorrect and is putting allegations of this sort without any proper evidential foundation, it is likely that he will, in due course, be asked to face a costs application with regard to his conduct but I simply cannot make a determination on that at a preliminary stage, it requires the hearing of evidence.

9 Accordingly, the application is refused.

Employment Judge Russell

Date: 20 February 2019