



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/4101709/2013

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Held in Glasgow on 17 December 2018

Employment Judge: Robert Gall

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Mrs AJ Walker

**Claimant
In Person**

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**Stewart Walker & Sons Limited (in liquidation)
Per French Duncan LLP**

**Respondent
No appearance and
No representation**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Tribunal is that the hearing is postponed. The claim is sisted until 31 January 2019 in order that the claimant may consider her position in relation to any further proceedings given that the respondent company is now dissolved.

REASONS

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1. This case called for hearing at Glasgow on 17 December 2018. The claimant appeared. There was no appearance by or on behalf of the respondents.

2. The respondents were in liquidation. It now transpires that the respondent company was dissolved on 22 November 2017.

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3. I explained to the claimant that where a respondent company is dissolved, the Tribunal is not able to make any award as the respondent is no longer in existence.

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4. It may be that the possibility exists of restoring the respondent company to the register. That is sometimes a step taken by claimants in this scenario as it permits the claim to proceed, potentially leading to recovery of some sort

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via the Insolvency Service, for example. It is a matter for the claimant in each case, and therefore the claimant in this case, whether that or any other steps which might be open to a claimant taken.

- 5 5. The claimant said that she wished time to consider her position. I agreed that the hearing would be postponed with time been granted to the claimant for that purpose. Given Christmas and the difficulty of obtaining advice on a matter of this type within a short timescale, it seemed to me appropriate to permit the claimant until 31 January 2019 to consider our position and to
- 10 inform the tribunal of her intentions as far as the respondents were concerned. If the respondents remain dissolved, the claim cannot proceed.
6. The claimant confirmed that she would inform the Tribunal by 31 January of her intentions. The clerk to the Tribunals is requested to refer the file back
- 15 employment judge after 31 January in the event that there is been no contact from the claimant setting out her intentions in this regard.
7. The clerk to the Tribunals had emailed the claimant late in the afternoon of 14 December to alert her to the fact that the respondents were now dissolved.
- 20 Unfortunately that email had not been seen by her. It was sent with a view to assisting the claimant by informing her of the position in order that she could reflect on it prior to attendance at the Tribunal.

25 **Employment Judge: Robert Gall**
Date of Judgment: 19 December 2018
Entered in register : 20 December 2018
and copied to parties