



# THE EMPLOYMENT TRIBUNALS

**Claimant**  
**Ms U Sharma**

**Respondents**  
**NCL Retail Holdings Ltd**  
**NCL Retail Shieldfield Ltd**

EMPLOYMENT JUDGE GARNON  
MADE AT NORTH SHIELDS

ON 30 April 2019

## **JUDGMENT ON RECONSIDERATION** **Employment Tribunals Rules of Procedure 2013 –Rules 21and 37**

1. I revoke my judgment of 8 November 2018.
2. I join NCL Retail Shieldfield Ltd as respondent by way of substitution for NCL Retail Holdings Ltd which is hereby removed from the proceedings as a party . NCL Retail Shieldfield Ltd will now be served with the original claim at its registered office which is 7 The Watermark, Gateshead, United Kingdom, NE11 9SY.

### **REASONS**

1. The claim presented on 16 September was served on the registered office of NCL Retail Holdings Ltd on 4 October 2018 . A response was due by 1 November but none was received . An Employment Judge is required by Rule 21 to decide whether a determination can be made and , if so, obliged to issue a judgment which may determine liability and remedy. The claim form contained sufficient to prove the claim on a balance of probability and determine the sum due so I issued such a judgment .
2. On 20 March 2019 the claimant applied for the judgment to be “amended” explaining she had discovered she was employed by NCL Retail Shieldfield Ltd a subsidiary of NCL Retail Holdings Ltd. She explained there were several companies the names of which started NCL Retail. I confirmed this to be true by a Companies House search. I informed her the judgment could not be amended in that way but could be reconsidered and revoked prior to NCL Retail Shieldfield Ltd being joined as respondent . She applied for those outcomes
3. Rule 34 of the Employment Tribunal Rules of Procedure 2013 provides  
*The Tribunal may on its own initiative, or on the application of a party or any other person wishing to become a party, add any person as a party, by way of substitution or otherwise, if it appears that there are issues between that person and any of the existing parties falling within the jurisdiction of the Tribunal which it is in the interests of justice to have determined in the proceedings; and may remove any party apparently wrongly included.*

4. I am satisfied the claimant made a reasonable mistake which should be corrected and the claim should commence afresh against NCL Retail Shieldfield Ltd.

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**TM Garnon Employment Judge**  
**Date signed 30 April 2019**