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EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4121919/2018

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Employment Judge I McPherson

Mr Ciaran Kelly

Claimant

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Urquhart And Co (PHE)Limited (In Liquidation)

Respondent

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The claim is struck out under Rule 37 of the Rules contained in Schedule 1 of the **Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013** on the grounds that the claim has not been actively pursued in terms of rule 37(1)(d).

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REASONS

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1. The claim seeking a protective award was presented on 24 October 2018, and served on the respondents on 26 October 2018, for a response by 23 November 2018. No ET3 response was lodged, by or on behalf of the respondents, but on 21 October 2018, the provisional liquidator advised the Tribunal that a winding up order was granted in respect of the respondents on 15 October 2018.
2. On 7 November 2018, the Tribunal gave the claimant written notice that the respondents were in compulsory liquidation, and so the consent of Inverness

E.T. Z4 (WR)

Sheriff Court was required in terms of **Section 130 of the Insolvency Act 1986**, and the claimant should seek such consent of the Court, which failing his claim would be struck out for not being actively pursued, if consent was not obtained within 6 months.

5 3. On 15 May 2019, the claimant not having replied to the Tribunal's letter of 7 November 2018, despite the passage of the 6 month period allowed to him to obtain consent of the Court, the Tribunal gave the claimant an opportunity to give written reasons by 29 May 2019 or to request a Hearing in order to consider why the claim should not be struck out.

10 4. The claimant has again failed to reply to the Tribunal's latest letter, and so failed to give an acceptable reason why such a Judgment should not be made or to request a Hearing. The Tribunal therefore strikes out the claim as the claimant has not actively pursued it.

15 Employment Judge: Ian McPherson
Date of Judgement: 07 June 2019
Entered in register: 12 June 2019
And copied to parties

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