EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Ms. E. Yarkhan	v	Primark Stores Limited

London Central (on the papers) **On: 13 February 2019**

Employment Judge Mason

REFUSAL OF RECONSIDERATION REQUEST

The Claimant's application for reconsideration of the judgment sent to the parties on 15 August 2019 ("the Judgment") is refused. It is not necessary in the interests of justice to reconsider the Judgment; there is no reasonable prospect of it being varied or revoked under Rule 70 Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013.

REASONS

1. A Tribunal has power to reconsider any decision where it is necessary in the interests of justice to do so (Rule 70 ETs (Constitution & Rules of Procedure) Regs 2013 ("the Rules"). The power is exercisable either on the Tribunal's own initiative or on the application of a party. On reconsideration, the decision may be confirmed, varied or revoke; if revoked it may be taken again.

2. Following an open Preliminary Hearing on 8 and 9 August 2019, the Tribunal found (inter alia):
"*The Tribunal does not have jurisdiction to consider claims of discrimination on grounds of race, religion or belief arising out of allegations numbered 54 and 55 on the Scott Schedule as they were not presented in time and it is not just and equitable to extend time*."
Full reasons for this were set out in the Reserved Judgment sent to the parties on 15 August 2019.

3. The Claimant wrote to the Tribunal on 27 August 2019 asking for a reconsideration of this part of the Judgment on the ground that allegations 54

and 55 "*are connected together and both of them are connected to allegation 68*" and are continuous acts of discrimination.

4. I have considered the Claimant's letter but conclude that it is not in the interests of justice to review the Judgment. In my Reserved Judgment I explained the law relevant to strike-out applications (paras 48-51), gave full reasons for my decision to strike-out allegations 54 and 55 (para. 53) and explained why I concluded it was not just and equitable to extend time (paras. 53 .7 and 56). The Claimant's request for a reconsideration amounts to no more than a disagreement with my finding of fact that allegations 54 and 55 (both at the end of 2015) were not linked to allegation 68 given that allegation 68 is dated October 2017 (almost 2 years later) and involved different witnesses.

5. In conclusion, I refuse the application for a reconsideration because there is no reasonable prospect of the Judgment being varied or revoked. The matters referred to by the Claimant were ventilated and argued at the Tribunal hearing at some length the Claimant is effectively asking for a second hearing of these points. It is in the public interest that there should be finality in litigation and the interests of justice apply to both sides. As the EAT decided in **Fforde v Black EAT 68/60** , the interests of justice does not mean "*that in every case where a litigant is unsuccessful he is automatically entitled to have the tribunal review it. Every unsuccessful litigant thinks that the interests of justice require a review. The ground of review only applies in the even more exceptional case where something has gone radically wrong with the procedure involving a denial of natural justice or something of that order*". This is not the case here.

Employment Judge Mason
10 September 2019

Sent to the parties on:

12/09/2019

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For the Tribunal Office