



EMPLOYMENT TRIBUNALS

Claimant: Mr R Ullah

Respondent: Harrods Limited

Heard at: Reading **On:** 4 and 5 February 2019
and in chambers on 26 June 2019

Before: Employment Judge KJ Palmer
Members: Mr A Kapur and Mr P Miller

Appearances:

For the Claimant: In person
For the Respondent: Ms H Davies (Counsel)

RECONSIDERATION OF A JUDGMENT

The Claimant's application dated 22 July 2019 for a reconsideration of the Reserved Judgment of the Employment Tribunal dated 28 June 2019 is refused.

REASONS

- (1) Rule 70 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, Schedule 1 (the "**Employment Tribunal Rules**") allows a Tribunal on the application of a party to reconsider any Judgment where it is necessary in the interests of justice to do so. On reconsideration it is open to the Tribunal to confirm, vary or revoke the original decision.
- (2) Rule 71 requires an application to be made in writing and copied to the other party within 14 days of the original decision.
- (3) Rule 72 provides that an Employment Judge shall consider any application made and if or she considers there is no reasonable prospect of the original decision being varied or revoked the application shall be refused.

- (4) I sat as the Employment Judge together with members Mr A Kapur and Mr P Miller on a two day Tribunal hearing at Reading Employment Tribunal on 4 and 5 February 2019. Judgment was reserved and myself and the members met in Chambers on 26 June 2019 to deliberate on our Judgment. I then produced the Reserved Judgment dated 28 June 2019 which was sent to the parties on 11 July 2019.
- (5) On 22 July 2019 the Claimant wrote to the Watford Administration at the Watford Tribunal seeking an application for a reconsideration of the Reserved Judgment. The application ran to some five pages.
- (6) On its own initiative the Watford Employment Tribunal sent the Claimant's application for a reconsideration to the Respondent on 28 July seeking the Respondent's views. The Respondent replied on 5 August setting out their views on the Claimant's application for a reconsideration.
- (7) The Tribunal's Reserved Judgment which runs to some 11 pages and 57 paragraphs makes it very clear that the Tribunal's claim is based upon the narrow set of issues isolated and clarified at a preliminary hearing on 27 March 2018 by Employment Judge Chudleigh. Those issues are clearly set out in paragraph 3 of the Tribunal's Reserved Judgment. It is on the basis of those issues of fact that the Claimant's claims in direct discrimination on the grounds of race and/or religion or belief and his claim in constructive unfair dismissed were based.
- (8) I have very carefully considered the Claimant's application for a reconsideration and have read in detail his application where he refers to paragraphs of the Reserved Judgment. I have also considered the response by the Respondent.
- (9) It is pertinent to note that the Employment Rules of Procedure envisage that a Tribunal in this case the Employment Judge who sat and chaired the original Tribunal, may reconsider any Judgment where it is necessary in the interests of justice to do so. (Rule 70)
- (10) Under Rule 72 the application to reconsider shall be refused if an Employment Judge considers that there is no reasonable prospects of the original decision being varied or revoked.
- (11) The rules on reconsideration do not exist to enable a disgruntled losing party to overturn a Judgment it disagrees with. Nor are those rules there to enable that disgruntled party to raise issues that fall outside the issues which were set to be determined and were determined at the original hearing.
- (12) I do not propose to deal with each of the paragraphs of the Claimant's application in turn. Having considered those it is clear that each of those paragraphs which refer to paragraphs in the Judgment are misconceived. The Judgment sets out the issues makes findings of fact and draws conclusions. The fact that the Claimant may disagree with some of those findings of fact and those conclusions does not bring this matter under the scope of Rule 70.

- (13) Having reviewed the Judgment in detail and read both the Claimant's application and the Respondent's rebuttal there is nothing which persuades me that it is in the interests of justice to reconsider the Reserved Judgment. I can only refer the Claimant to the Reserved Judgment which deals fully with the issues before the Tribunal, makes findings and draws conclusions.
- (14) I find there is no reasonable prospect of the original decision being varied or revoked.
- (15) Much of the Claimant's obligations to the specific paragraphs of the Judgment are simply to disagree with them. In some the Claimant has clearly misunderstood the Judgment and in others he simply repeats assertions made at the hearing of this matter which were not supported in evidence.
- (16) Little will be served by me going through each and every paragraph.
- (17) I agree with the Respondent's rebuttals and for the reasons set out above the application for a reconsideration is refused.

Employment Judge KJ Palmer

Date: 1 November 2019

Sent to the parties on:

.....20 November 2019.....

For the Tribunal:

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