



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4102747/2019

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Employment Judge: R Gall

Mr L Stobie

Claimant

10 **Dem-Master Demolition Ltd**

Respondent

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal dated 25 June 2019 and sent to parties on that date in terms of which Judgment in favour of the claimant was granted is, upon
15 reconsideration, revoked. The claim has been dismissed upon its withdrawal, the Judgment of dismissal being dated 14 October 2019, issued on 30 October 2019.

REASONS

1. In this case, form ET3 was not submitted by the respondents in time.
2. In those circumstances, Judgment was issued in terms of Rule 21 of the
20 Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013. That Judgment was dated and sent to parties on 25 June 2019.
3. The respondents subsequently submitted form ET3. There was no opportunity given to the claimant to oppose the application accompanying it for extension of time for presentation of the response. Form ET3 was
25 accepted, notwithstanding that. That ought not to have occurred.
4. In a note dated 10 September 2019 and sent to parties on 12 September 2019 an Employment Judge revoked the decision to grant an extension and to receive form ET3.

E.T. Z4 (WR)

5. Very shortly after that the claim was settled. It was withdrawn. Judgment dismissing the claim following upon withdrawal was then issued. That judgment was dated 14 October 2019 and issued on 30 October 2019.
6. The Judgment in terms of Rule 21 remained however. The respondents sought that it be reconsidered and revoked. The claimant confirmed he had no objection to this.
7. Having considered the foregoing procedure and the ultimate conclusion in the case, namely settlement and agreement by the claimant that the claim be withdrawn and subsequently dismissed, it seems to me appropriate that the following step be taken to reflect the position in the case: –
- The Judgment in terms of Rule 21 dated and sent to parties on 25 June 2019 is reconsidered and upon reconsideration is revoked.
8. For the avoidance of doubt, the Judgment in terms of Rule 52 remains in place. The claim was withdrawn and was dismissed upon withdrawal.
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- Employment Judge: Robert Gall
Date of Judgement: 31 January 2020
Entered in register: 05 February 2020
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