



## EMPLOYMENT TRIBUNALS

**Claimant**  
Mrs. S. Hirani

v

**Respondent**  
AQ Skin solutions Ltd

## JUDGMENT

The claimant's remaining claims of sex and maternity discrimination are struck out.

## REASONS

### *Chronology*

1. The claimant presented a claim form to the tribunal dated 2 January 2019 by which she made claims of unfair dismissal and pregnancy or maternity discrimination.
2. The claimant did not appear at a preliminary hearing on 27 September 2019, she said because she had been unable to retain a solicitor and because of personal health reasons.
3. At that hearing, EJ Lewis made an order for the claimant to send the respondent a schedule of loss on or before 29 November 2019.
4. EJ Lewis also ordered the claimant to show cause as to why her complaint of unfair dismissal should not be struck out because she did not have 2 years' service.
5. The claimant did not show cause or attempt to do so, and EJ Lewis therefore struck out the complaint of unfair dismissal by a judgment sent to the parties on 6 January 2020.
6. By email dated 4 December 2019 the respondent applied for the tribunal to strike out the claims in their entirety because the claimant had not complied with a tribunal order (the order to provide a schedule of loss) and had failed actively to pursue her claim.
7. By order sent to the parties on 24 December 2019 EJ Lewis ordered the claimant by 24 January 2020 to show cause as to why her claim should not be struck out in the light of the respondent's letter of 4 December 2019.
8. By email dated 31 January 2020 the claimant asked the tribunal if she could speak to someone about her case.

9. By letter dated 19 February 2020 the tribunal told the claimant that it could not give her advice.
10. By email dated 19 February 2020 the tribunal asked the claimant to send an email as soon as possible if she wished her case to continue. The claimant was also told that if she wished to withdraw, she should send an email using the word, 'withdraw'.
11. The claimant replied saying, 'thankyou' but has not otherwise responded to the order to show cause why her claims should not be struck out or to the email of 19 February.

*Analysis*

12. In the light of that chronology I conclude that the claimant has not complied with an order of the tribunal and, perhaps more significantly, is not actively pursuing her claim. I would not strike out because of the failure to comply with the order alone but it is relevant to the question of a failure actively to pursue the claim.
13. I bear in mind the overriding objective. It causes delay to proceedings and increases expense when one party does not comply with orders and does not pursue a claim. The claimant is not assisting the tribunal in furthering the overriding objective.
14. The claimant's delay in responding to the tribunal order and to the other tribunal communications has been inordinate: indeed, her response is all but non-existent. She has taken no active step in the proceedings save for that of presenting the claim in January 2019. It is now March 2020.
15. The claimant has been given an opportunity to explain why her claim should not be struck out and to give her excuse for the delays. She has not put forward any excuse or reason against strike out.
16. Taking all those matters into consideration, I consider that the claimant is guilty of inordinate and inexcusable delay. There is and will be serious prejudice to the respondent in continuing to incur the expense of proceedings which the claimant does not actively pursue. The cost of these proceedings is unlikely to be recoverable. Furthermore, this is a claim of discrimination which Parliament intended to be tried expeditiously. Delays caused by non-compliance and failure to pursue a claim are likely ultimately to damage the cogency of evidence. Such a claim as this is particularly vulnerable to the risk of fading memory.
17. For all those reasons, I strike out the remaining claims.

---

Employment Judge Heal  
Dated: 4 March 2020

Sent to the parties on:  
23 March 2020

.....

Case Number: 3300012/2019

For the Tribunal:

.....