



THE EMPLOYMENT TRIBUNALS

Claimant

Mr Robert Temple

Respondents

Reay Security Ltd (R1)
Triton Group Holdings Ltd (R2)

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Following a Private Preliminary Hearing by telephone

Made at Newcastle

On 8 April 2020

EMPLOYMENT JUDGE GARNON

JUDGMENT

The claim is dismissed upon withdrawal by the claimant

Reasons

1. The claim is of unfair and wrongful dismissal and for a redundancy payment. The claimant was employed by R1 which had a contract to supply services to a third party. R1 lost the contract to R2, which took over on 31 October 2019 at midnight but refused to employ the claimant. The dispute was whether the claimant should have transferred to R2's employment under TUPE. R1 said he should, but R2 disagreed.

2. The claimant settled his claims against R2 via ACAS. Employment Judge Johnson asked if he pursued any claim against R1. His CAB advisors took his instructions and replied he did not. R1 applied for dismissal on withdrawal under Rule 52 of the Employment Tribunal Rules of Procedure 2013 and sent a copy to the claimant for objection. None were received. A preliminary hearing by telephone had already been arranged but, understandably, no-one connected to it. I therefore issue a judgment dismissing the claim on withdrawal.

Employment Judge Garnon

Signed 8 April 2020