



EMPLOYMENT TRIBUNALS (ENGLAND & WALES)
LONDON CENTRAL

BETWEEN

Claimant Mr J Singh

Respondents BT PLC (1)

Openreach Ltd (2)

Employment Judge: Mr J S Burns

Representation

Claimant: Ms S Chan (Counsel)

Respondent (1) and (2) Ms V Brown (Counsel)

JUDGMENT

The Claimant shall pay £300 costs to the Respondents by their solicitor by 28/8/2020.

REASONS

Until 18 June 2020 the ET1 was not served by the Tribunal on the Respondents and no ET2 had been sent to the Claimant's Solicitor. That being the case there was no obligation on the Respondents to enter a defence. Despite this, the Claimant's solicitors wrote a letter by email on 29 May 2020 applying to the tribunal for default judgment. When the Respondents' solicitor became aware of the application he sent an email to the Claimants solicitor on 2/6/2020 at 12.19 highlighting the situation and requesting that the Claimant withdraw his application. A costs warning was included in the last paragraph. That email was received by the Claimant's solicitors and forwarded internally to a partner Emma Thompson the same evening, but the application was not withdrawn and as a consequence the Respondents' solicitor had to carry out further work in relation to the application including writing at some length to the tribunal by email on 8/6/2020 at 9.27.

The Claimant by his solicitor acted unreasonably in issuing an inappropriate application and then not withdrawing it when requested to do so. The sum of £300 is a modest contribution to the additional costs caused to the Respondents by this.

J S Burns Employment Judge

London Central

30/7/2020

For Secretary of the Tribunals - OLU

date sent to the Parties – 30/07/2020