



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Imran

**Respondent:** Telecom Service Centres Ltd trading as Webhelp UK

## JUDGMENT

The Claimant's application for the Judgment of 1 September 2020 to be reconsidered is refused.

## REASONS

1. On 21 August 2020 the Claimant withdrew his claim and on 1 September 2020 the Tribunal dismissed the claim under Rule 52 of its Rules of Procedure. On 7 September 2020 the Claimant applied for that Judgment to be reconsidered and revoked. The Tribunal has considered that application under Rule 72.
2. The basis of the Claimant's application is that he intends to bring a High Court claim against the Respondent for damages for personal injury. He intends to allege that the Respondent's conduct has caused him to develop an anxiety disorder and/or a form of post-traumatic stress disorder. That conduct, he says, included victimisation, harassment and racism.
3. In the reasons for its Judgment dismissing the claim, the Tribunal has already noted that the Claimant may wish to bring a claim for damages for personal injury. It concluded, however, that this was not a reason not to dismiss the claim because a claim for damages for personal injury is not the same, or substantially the same, complaint as was being made in the Tribunal claim. The Tribunal claim is one of victimisation contrary to the Equality Act 2010 relating to various acts over a one-month period from 20 November to 17 December 2019. A High Court claim would be based on a different cause of action, namely failure to meet a duty of care/negligence. Further, it appears that the Claimant intends to rely in any High Court claim on acts spread across the entire period of his employment with the Respondent from 2016 onwards, including many matters not covered by the Tribunal claim. As the

Tribunal claim and the High Court claim depend on different causes of action (and, it appears, largely on different allegedly unlawful acts), there is no reason to believe that the dismissal of the Tribunal claim will have any effect on the Claimant's ability to pursue his High Court claim, if he decides to bring one (although, if the Respondent were to raise an argument in its defence of any High Court claim that the Tribunal's Judgment in some way estopped the Claimant from bringing the High Court claim, the Claimant would be free to bring a further application for reconsideration, which the Tribunal would consider on its merits).

4. There is therefore no reason to believe that it is necessary in the interests of justice to revoke the Judgment dismissing the Tribunal claim.
5. As the Tribunal does not consider there is any reasonable prospect of its original Judgment being varied or revoked, the Claimant's application for reconsideration is refused.

Employment Judge Cox  
Date: 21 September 2020