



EMPLOYMENT TRIBUNALS

Claimant Mr Murataza Arif

Respondent Greenwich Leisure Limited

HEARD AT: WATFORD **ON:** 25 and 26 August 2020

BEFORE: Employment Judge J Lewis
Mr A Scott
Mr D Bean

Representation

For the Claimant: In person.

For the Respondent: Ms C Lyons (Head of Employment Relations)

REASONS

(Having been requested subject to Rule 62 of the Employment Tribunal's Rules of Procedure)

1. By an email of 8 October 2019 the Claimant requested written reasons for the decision to dismiss his case on withdrawal. The short reason is that the claim was withdrawn by the Claimant, and that as he had made expressly clear that he was not reserving the right to bring any further claim, dismissal was appropriate pursuant to rule 52 of Schedule 1 of the ET Rules. However we expand further below on the circumstances surrounding the Claimant's withdrawal
2. On the morning of the second hearing, I raised with the parties that on reviewing the file it appeared that permission would be required to amend the Claim if the Claimant was to advance part of the case that he had outlined on the previous day, and in relation to this I drew attention to what had been said by EJ Hyams at the preliminary hearing. Time was afforded for the Claimant to consider this and whether he wished to make an application to amend, and for the Respondent to consider its position as to whether there would be any objection if the Claimant did wish to amend.
3. Whilst the parties were outside considering this, the Tribunal received a message from the clerk that the Claimant wished to withdraw his claim. The

parties were asked to return. I then explained to the parties the message we had received and explained the consequences of withdrawal and finality of dismissal on withdrawal. I explained the terms of rule 52 of Schedule 1 of the ET Rules and the circumstances in which the claim might not be dismissed on withdrawal. I noted that even if the claim was not dismissed, the effect of withdrawing the claim would be to bring it to an end and that any fresh claim would seem to be out of time so that there would not be the possibility of resurrecting the claim.

4. The Tribunal offered the Claimant time to consider whether he did wish to withdraw and suggested to the Claimant that he did take the time to consider this. This was repeated several times.
5. The Claimant asked the Tribunal if the effect of withdrawing would be final. I reiterated that would indeed be the case, save for the possibility that the Respondent could make an application for costs. The Respondent's counsel then confirmed that no costs application would be made.
6. I again urged the Claimant to take time to consider and suggested that he might wish to call to speak to someone. The Claimant confirmed that he did not wish to take time to consider and that he had made his decision. He said he was not represented and it had been difficult. He commented that "At the end of the day we will all be judged on the day of judgment." He also commented that he did not wish to have online that the claim was rejected.
7. I emphasised that the Tribunal's role is neutral, that we had been going through and identifying the issues and that nothing had been decided. He responded that he accepted this, and that he would have a fair hearing. However he reiterated that he wished to withdraw. He also confirmed that he was not reserving the right to bring any further clam.
8. The Tribunal therefore gave Judgment dismissing the claim on withdrawal.

Employment Judge J Lewis, Watford

09/12/2020

JUDGMENT SENT TO THE PARTIES ON

.....09/12/2020

.....T Henry-Yeo.
FOR THE SECRETARY TO THE TRIBUNALS

Notes

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