EMPLOYMENT TRIBUNALS

Claimant: **Mr N Seshadri**

Respondent: **Cwm Taf Morgannwg University Local Health Board**

Heard at: **Cardiff-by video hearing** **On: 7 January 2021**

Before: **Employment Judge J Whittaker (sitting alone)**

Representation:
Claimant: In person
Respondent: Mr Walters (Counsel)

JUDGMENT

The Claimant's application for reconsideration of the Judgment made on 4 December 2020 and sent to the parties on 16 December 2020 striking out certain of the claims made by the Claimant as being out of time is refused and dismissed.

REASONS

1. The Claimant had submitted a lengthy written application and he had submitted a number of documents in support of that application. Both the written application and the attached documents were read and carefully considered by the Tribunal in connection with the application for reconsideration.

2. The Tribunal reminded itself that under Section 70 there was an obligation on the Claimant who was making the application for reconsideration to

demonstrate why it was "necessary in the interests of justice, to reconsider the Judgment. Under Rule 71, an Applicant making such an application "shall set out why reconsideration of the original decision is necessary". There is therefore a clear written obligation on the part of any Applicant to set out those particulars in writing.

3. The Claimant was clearly not asking for the original Judgment to be varied. He was asking for it to be revoked in his favour.

4. The Tribunal considered the relevant underlying principles of law. It reminded itself that reconsideration is not a method by which a disappointed party can get a second bite of the cherry. The Tribunal is also required to take into account the public interest requirement of finality of litigation. Application for reconsideration can be made in an attempt to correct errors but it is not an error on the part of the Tribunal to reach a conclusion which a disappointed party disagrees with. The only error which the Claimant suggested in his application that the Tribunal had made was to make the Judgment the Claimant disagreed with it. The Tribunal also reminded itself that it needed to consider the interests of both parties not just the obvious interests of the Claimant who was seeking to have the Judgment overturned because it had not been in his favour.

5. The Tribunal also reminded itself that it was entitled to take into account events which had occurred after the hearing on 4 December 2020. However the Claimant was not suggesting that there was anything which had happened after that date which was relevant to the events of January 2020 which were the dates which the Tribunal considered when coming to its Judgment on 4 December 2020. That Judgment had ruled certain claims of the Claimant to be out of time because the claims had been submitted in the first minutes of the 25 January 2020 and it was therefore the events leading up to midnight on 24 January which the Tribunal had put under the spotlight when coming to its Judgment on 4 December 2020. Any application for reconsideration could only relate to the reasons and circumstances which the Tribunal had considered when reaching that Judgment. The conclusion of the Tribunal was that the documents which had been submitted did not relate to any relevant events which had occurred after 4 December 2020. The Claimant's medical history after 4 December 2020 were clearly not relevant to the events of January 2020.

6. The Claimant did not suggest that any administrative error had been made by the Tribunal which needed to be corrected.

7. The Tribunal considered whether or not the documents which the Claimant had submitted were relevant to the issues which had led to the Judgment on 4 December and concluded that they were not relevant.

They were either documents which the Claimant had put forward and which were available to the Tribunal on 4 December or alternatively were documents were certainly available before 4 December. There had not been any new events or new documents which had arisen since 4 December which were relevant to the issues which had been determined by the Tribunal in reaching its Judgment on 4 December 2020.

8. The Tribunal also reminded itself that at the Preliminary Hearing on 4 December it had been presented with a bundle of some 400 pages which was a quite extraordinary number. It had been explained to the Tribunal that the reason for the number of documents was due to the insistence of the Claimant in including a substantial number of documents, the majority of which were not relevant. There could certainly not be any suggestion that the Claimant had in any way been dissuaded from including almost every possible document in the bundle which was before the Tribunal on 4 December.

9. The conclusion of the Tribunal therefore was that none of the additional documents which were submitted by the Claimant in support of this application would make any difference to the Judgment reached by the Tribunal or more importantly the reasons why the Tribunal had reached that Judgment in December 2020. Those reasons had been clearly set out in the Judgment and related in particular to the events of January 2020.

10. The Tribunal concluded that the application of the Claimant for reconsideration was in essence an application for the inaccessible "second bite of the cherry". Perhaps understandably the Claimant wanted the Judgment to be reversed but of course, taking into account the interests of both parties, the Respondent most certainly did not. The application of the Claimant for reconsideration was almost entirely a rehash of the points which the Claimant had put to the Tribunal on 4 December and was an attempt by the Claimant to persuade the Tribunal to reach a different conclusion that the one which it had reached.

11. As indicated above the Claimant is required by Rule 71 to indicate why it is necessary in the interests of justice to revoke or change a Judgment. No such specifics were supplied by the Claimant in his lengthy application. He listed a large number of issues where he stated that the Tribunal ought to have come to a different conclusion. That is not the purpose of a reconsideration. It is in effect the Claimant attempting to say that the Judge should change his Judgment. That is not the purpose of an application for reconsideration at all. In essence what the Claimant had said out in his applications were reasons why he believed that the original Judgment should be revoked but he did not in any way indicate why it was "necessary in the interests of justice" for that revocation to be implemented. Indeed the only reason the Claimant put forward was

because he disagreed with the Judgment and therefore wanted it to be changed to a Judgment in his favour. That of course ignored the requirement of the Tribunal to take account of the interests of both parties, not just the understandable dissatisfaction of the Claimant.

12. In the circumstances therefore, having considered the Claimant's application under Rule 70/71 the Tribunal considered that there was no reasonable prospect of the original decision/Judgment made on 4 December 2020 being varied or revoked and on that basis the application of the Claimant is refused and dismissed.

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Employment Judge J Whittaker
Dated: 14th January 2021

JUDGMENT SENT TO THE PARTIES ON 15 January 2021

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS

NOTE:
This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.