



EMPLOYMENT TRIBUNALS

Claimant: Mr A Khan

Respondent: Asda Stores Limited

JUDGMENT

The Claimant's application for the Judgment of 10 June 2021 to be reconsidered is refused.

REASONS

1. On 16 March 2021 the Claimant was sent notice of a Preliminary Hearing for case management to be conducted by telephone on 18 May 2021. The Claimant failed to attend that Hearing. By a warning sent to the parties on 20 May 2021 the Tribunal told the Claimant that it was considering striking out his claim because it was not being actively pursued. It gave him an opportunity to make representations, or to request a Hearing at which he could make them, as to why the claim should not be struck out. It gave him until 26 May 2021 to respond.
2. The Claimant did not respond to that notice. The claim was therefore struck out by a Judgment dated 10 June 2021.
3. On 14 June 2021 the Claimant wrote to the Tribunal, from the same email address as the Tribunal has been using for correspondence with him, to say that he never received an email or letter that he even had a preliminary hearing to discuss his case. He asked the Tribunal to reschedule a Hearing because he was "100% wanting to pursue my claim". The Tribunal is treating this as an application by the Claimant for the Judgment of 10 June 2021 to be reconsidered and revoked.
4. The Tribunal is satisfied that the Claimant received the notice of his Preliminary Hearing and the warning that his claim was in danger of being struck out when he did not attend that Hearing. He chose not to attend the Preliminary Hearing or to respond to the warning. The Tribunal is satisfied that at the time the Judgment was made the Claimant was not actively

pursuing his claim. The Tribunal can identify no reason why it would be necessary in the interests of justice to revoke the Judgment.

5. As the Tribunal does not consider there is any reasonable prospect of its Judgment being varied or revoked, the Claimant's application for reconsideration is refused.

Employment Judge Cox

Date: 16 June 2021