



## EMPLOYMENT TRIBUNALS

Claimant

**Mr A Chowdhury**

Respondent

**Atiquan Nabi**

v

## JUDGMENT ON RECONSIDERATION

The claimant's application dated 7 June 2021 for reconsideration of the Tribunal's judgment sent to the parties on 28 May 2021 is refused under rule 72(1) of the Employment Tribunals Rules of Procedure 2013 because there is no reasonable prospect of the judgment being varied or revoked.

## REASONS

1. The claimant, Mr Chowdhury, applies by email dated 7 June 2021 for reconsideration of the Tribunal's judgment sent to the parties on 28 May 2021 whereby I struck out his complaint of unfair dismissal because he did not have the period of not less than two years' employment with the respondent to be entitled to the right not to be unfairly dismissed.

2. There is no reasonable prospect of the judgment being varied or revoked. The claimant did not have the required period of two years' service. This is a legal requirement under section 108(1) of the Employment Rights Act 1996 for the right not to be unfairly dismissed to apply to him.

3. The claimant now suggests in his application that there are circumstances in his case which may amount to automatically unfair dismissal. First, the Tribunal's letter of 16 December 2020 gave the opportunity to put forward any reasons why the complaint of unfair dismissal should not be struck out because he did not have the required two years' service, but, as he now accepts in his application, the claimant's letter of 19 January 2021 did not give any reason. Second, he has not put forward in the claim form, or in his letter of 19 January 2021, or in his application for reconsideration, any material which suggests that he was dismissed in any circumstances, or for any

reason, to which the requirement to have two years' employment does not apply, as set out in section 108(3) of the 1996 Act.

4. The Tribunal's judgment striking out the complaint of unfair dismissal therefore stands. I have directed, however, that the hearing of the case on 26 July 2021 should be converted to a telephone case management hearing to identify whether the claimant is seeking to pursue any complaints beyond that of breach of contract for his notice period, and if so what directions should be given, and to give directions for the respondent's employer's counterclaim (to which the claimant has not responded).

2 July 2021

**Regional Employment Judge Robertson**