



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Uddin

**Respondents:** (1) BGC Technology International Limited  
(2) Mrs D Patel  
(3) Mr A Agosta

## JUDGMENT FOLLOWING RECONSIDERATION

The Claimant's application dated 5<sup>th</sup> July 2021 for reconsideration of the recusal decision dated 18<sup>th</sup> June 2021 sent to the parties on 22<sup>nd</sup> June 2021 is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked for the following reasons:

Ground 1 – reference to further case law

1. The Claimant now refers to *Mengiste & Anor v Endowment Fund for the Rehabilitation of Tigray & Ors [2013] EWCA Civ 1003* and says it is a comparable case. That case applied the test in *Porter v Magill* to the different facts and circumstances in that particular case (paras 4, 62). I applied that same test to the Claimant in his particular circumstances (recusal decision para 4).

Ground 2 – two other Employment Judges and one judge of the First Tier Tribunal (General Regulatory Chamber) have taken a different view

2. These judges were not dealing with the issues I was dealing with in this claim, in the facts and circumstances in which they were to be addressed.

Ground 3 – Employment Judge Ross has not made a costs order on the Claimant's other claim (3203211/2019)

3. Employment Judge Ross was not dealing with the issues I was dealing with on this claim, in the facts and circumstances in which they were to be addressed. The Claimant has appealed Employment Judge Ross' decision in 3203211/2019 to the Employment Appeal Tribunal. The Respondent's application for costs in that claim has not yet been considered.

Ground 4 – right of appeal to Employment Appeal Tribunal not appropriate taking into account time, resources and taxpayers' money involved in an unnecessary referral to the Employment Appeal Tribunal

4. The Claimant has a right of appeal to the Employment Appeal Tribunal which he has exercised. He has already applied for reconsiderations of the first judgment dated 10<sup>th</sup> February 2021 (which was partially reconsidered although it did not change the outcome), of the Rule 50 decision dated 3<sup>rd</sup> March 2021 and of the costs judgment dated 19<sup>th</sup> April 2021. Those applications have been refused.

Ground 5 – issues on the costs decision

5. This is the Claimant seeking to re-argue a number of issues on the costs judgment which has already been subject of a reconsideration.

**Employment Judge Reid  
Date: 29<sup>th</sup> July 2021**