



EMPLOYMENT TRIBUNALS

Claimant: Mr Yakub Motala

Respondent: HMCTS

UPON APPLICATION made by letters dated 15 and 16 March 2021 to reconsider the judgment dated 11 March 2021 under rule 71 of the Employment Tribunals Rules of Procedure 2013, having considered the claimant's response dated 25 May 2021 and the respondent's reply dated 26 May 2021 and without a hearing.

JUDGMENT

1. The judgment dated 11 March 2021 is hereby set aside.

REASONS

1. The claimant's claim number 2601612/2019 was considered at a preliminary hearing before me on 5 December 2019 when the claimant indicated his wish to withdraw his remaining claims; he was given until 20 January 2020 to confirm to the Tribunal of his position. On 11 December 2019, the claimant confirmed he did wish to withdraw all his claims. For reasons that are not apparent to me, a judgment was not issued dismissing the claims on withdrawal until 8 March 2021; it was sent to the respondent by email.
2. In the meantime, the claimant presented a further claim, number 2604376/2020 on 13 December 2020. It was sent to the respondent at the address provided by the claimant i.e. Arnhem House in Leicester with a deadline of 15 January 2021 for the presentation of a response. No such response having been presented, on 28 January, EJ Clark directed that because the claim was unlikely to have come to the attention of the respondent, it was re-sent c/o the Government Legal Department, 1 Kemble Street, London, WC2B 4TS with an extended deadline of 12 February 2021 to present the response. Since no response was

presented, the matter proceeded to the judgment that is the subject of this contested application.

3. I consider it is in the interests of justice to set aside the judgment dated 11 March 2021 for the following reasons: I am satisfied that the respondent did not in fact receive the claim form at the address given by the claimant at Arnhem House in Leicester; that possibility was considered by EJ Clark on 28 January, when he directed that the claim form was resent to the GLD at the Kemble Street address in January 2021. I am told however that six months previously, in or around July 2019, the Government Legal Department had moved to its current address 102 Petty France.
4. I am satisfied therefore that the claim form did not in fact ever come to the attention of the respondent, it having been served at the incorrect address in both December 2020 and January 2021, and that it is in the interests of justice to set aside the judgment dated 11 March 2021. The claim form shall be served upon the respondent at its correct address and to allow the respondent to enter a response in ordinary course.

Employment Judge Jeram

Date: 1 August 2021

JUDGMENT SENT TO THE PARTIES ON

9 August 2021

FOR THE TRIBUNAL OFFICE