



EMPLOYMENT TRIBUNALS

Claimant: Saif Mir

Respondent: H&H Builders and Contractors Ltd

Heard at: London East **On:** 26 August 2021

Before: Employment Judge Housego

Representation

Claimant: Did not appear, was not represented and did not write in

Respondent: Haroon Rahman, Director

JUDGMENT

1. The claims are struck out.

REASONS

1. The claim form was filed on 19 January 2021. The claim form stated that the Claimant left the employment of the Respondent on 22 October 2019. That is a period of 15 months. The time limit for bringing the claims made is 3 months (maximum 4 with the Acas Early Conciliation period). The period for discrimination claims can be extended if it is just and equitable to do so. No reason is given by the Claimant as to why the discrimination claim was not filed in time. The time for the claims of unfair dismissal and of unlawful deductions can be extended only if it was not reasonably practicable to lodge the claim in time (and it is then lodged within a further period as is reasonable). No reason was given as to why it was not reasonably practicable to file that claim in time.
2. Accordingly, the claims are all dismissed as out of time.
3. The Claimant made a claim of unfair dismissal, but states that he was employed between 06 April 2019 and 22 October 2019. This is less than the 2

years necessary to bring such a claim. He does not claim that his dismissal was for any reason not requiring 2 years' service. The claim for unfair dismissal must also be dismissed for want of jurisdiction.

4. The Claimant claims age discrimination, but gives no indication of why his age is anything to do with any matter of which he complains. The claim of age discrimination has no reasonable prospect of success, as no link is given between age and detriment. It is also struck out under Rule 37(1)(a).
5. The claim of unlawful deduction from pay is unparticularised, and so has no reasonable prospect of success. It too is also struck out under Rule 37(1)(a).
6. The Claimant has not responded to any communication from the Tribunal and did not attend the hearing. He has not actively pursued any of his claims, and I also strike out all the claims under Rule 37(1)(d).
7. The Respondent has not filed a response to the claims. Mr Rahman explained that he uses his accountant's address as his registered office, that they ceased to attend work, and did not tell him of the claim. I do not need to consider whether to extend time for filing a response, as although as an appearance not entered case the Respondent is not entitled to defend, that does not mean that an unmeritorious claim succeeds. I record that while I spoke to Mr Rahman during the 15 minutes after the case was due to start, (in case the Claimant attended late) that discussion did not include representations about the merits of the claims (or the absence of merits).

Employment Judge Housego
Date 26 August 2021