



EMPLOYMENT TRIBUNALS

Claimant Mr J Sharma

Respondent Taste Nepal Limited

Heard at London South (via CVP) **On** 2 December 2021

Before Judge M Aspinall (sitting as an Employment Judge)

Representation

Claimant: Claimant did not attend but was represented by Ms L Vonwyler

Respondent: Mr A Maqsood (counsel)

JUDGMENT

This was an Open Preliminary Hearing (r.56 The Employment Tribunals Rules of Procedure 2013, as amended) and having heard from the advocate for the Claimant and from counsel for the Respondent, the judgment of the Tribunal is:

1. That, in the circumstances of this case, the effective date of termination of the Claimant's employment was 30th June 2020 (per s.97(1)(b) Employment Rights Act 1996).
2. That all of Claimant's claims were made out of time on 19th February 2021 and are dismissed as the Tribunal does not have jurisdiction to hear the claim.
3. That even if the Tribunal found the later date for termination, advanced by the Claimant, to be correct (14th September 2020), the claims would remain out of time.
4. That the application made at the hearing by the Claimant's advocate, for an extension of time, is refused:
 - a. The Claimant did not attend and did not provide any witness statement or written evidence to show that he did properly enter his claim as soon as reasonably practicable after the expiry of the time limit or that it would be just and in accordance with the overriding objective to extend time.

5. That the other issue to be considered at the hearing – whether the Claimant had sufficient service to bring a claim – does not require determination in light of the lack of jurisdiction.
6. That the Respondent's application for costs in respect of the hearing today is allowed in the sum of £2,000 because:
 - a. The Claimant did not attend the hearing (without leave) so could not give evidence on the issues to be decided.
 - b. Even if he had attended, neither he or his Solicitors had informed the ET that an interpreter would be required so would have been unable to give such evidence in any event.
 - c. The Claimant provided no written evidence, documentary evidence or a witness statement in support of an application to extend time, nor any witness statement on any other issues which would have fallen to be considered today.
 - d. The Respondent has been put to unnecessary cost in preparing for, attending and instructing counsel to represent them.

It is ordered that:

7. All of the Claimant's claims are dismissed.
8. That the Claimant shall pay the Respondents costs in the sum of £2,000 within 28 days of this judgment being sent to the parties.

Judge M Aspinall
2 December 2021

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing, or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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