



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4105456/2020

Employment Judge M Robison

Mr B Rasoul

Claimant

The London Clinic

Respondent

JUDGMENT

The claim is struck out under rule 37 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 on the grounds that the claim has not been actively pursued in terms of rule 37(1)(d).

REASONS

1. The claim was served on The London Clinic at 5 Brittain Way, Motherwell, ML1 4XJ on 15 October 2020.

- 2 At a preliminary hearing held by telephone conference call on 6 January 2021, the Tribunal ordered that Gist Limited, 5 Brittain Way, Eurocentral, Holytown, Motherwell, ML1 4XU be added as a respondent to the proceedings.
- 3 In their ET3 response, lodged on 24 February 2021, Gist Limited stated that they did not employ the claimant. The position of Gist Limited was that the correct respondent was Community Build or The London Clinic.
- 4 At an open preliminary hearing held via Cloud Video Platform (CVP) on 1 June 2021, the Tribunal issued a judgment dismissing Gist Limited as a respondent and named the London Clinic as the correct respondent.
- 5 On 28 June 2021, Vice President Judge Walker directed that the claim be reserved on the respondent at Craiglea House, Glasgow, G31 2NA.
- 6 In July 2021, the service papers were returned to the Tribunal and marked "address incomplete".
- 7 On 22 July 2021, the claimant was informed that the Tribunal had been unable to serve the claim upon The London Clinic. The Tribunal instructed the claimant to provide any further information to enable successful service of the claim.
- 8 The Tribunal attempted to serve the claim at 2 Craigpark, Glasgow, G31 2NA on 22 July 2021. The claim was returned to the Tribunal and marked "not known at this address".
- 9 On 20 August 2021, the Tribunal attempted to serve the claim again on Community Build Limited, The Cooper Building, 505 Great Western Road,
- 10 On 6 October 2021, the Tribunal was informed by telephone that the company was no longer at that address. The last known address provided was one where the Tribunal had already attempted service.
- 11 On 13 October 2021, the Tribunal wrote to the claimant again to inform him that service had not been possible. The claimant was asked to provide an address for service within seven days. No reply was received.
- 12 On 17 November 2021, the Tribunal gave the claimant an opportunity to give written reasons by 24 November 2021 or to request a hearing in order to consider why the claim should not be struck out on the grounds of failure to actively pursue the claim.
- 13 The claimant did not respond and the Tribunal asked him again to provide an alternative address for service. The claimant was warned again on 29

November 2021 that a failure to reply could result in strike out of the claim. No reply was received.

- 14 The claimant has failed to give an acceptable reason why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim on the grounds that it has not been actively pursued.

Employment Judge: M Robison
Date of Judgment: 14 December 2021
Entered in register: 15 December 2021
and copied to parties