



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103581/2018 & 4108787/2018

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Held in Glasgow on 9 October 2019

Employment Judge W A Meiklejohn

10 **Miss K Kelly**

**Claimant
Represented by
Mr S Healey -
Solicitor**

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**Nestor Primecare Services Limited t/a Allied Healthcare
(In Administration)**

**First Respondent
No appearance &
No representation**

20 **Ms Audrey McLean**

**Second Respondent
Represented by:
Mr P J Harvey -
Solicitor**

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Ms Karen Patterson

**Third Respondent
Represented by:
Mr P J Harvey -
Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The responses of the first respondent are 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 responses have not been actively pursued in terms of rule 37(1)(d).

REASONS

1. The first respondent is in administration, having previously been under a Company Voluntary Agreement ("CVA").
2. Neither the joint administrators nor the joint supervisors of the CVA wished to participate in the proceedings.
3. In these circumstances, the responses set out in the first respondent's ET3s in respect of 4103581/2018 and 4108787/2018 were not being actively pursued and accordingly a strike out of said responses was appropriate.

10 Employment Judge: Sandy Meiklejohn
Date of Judgment: 15 October 2019
Entered in register: 18 October 2019
and copied to parties

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