



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Mr Stephen Algar

v

Buckinghamshire Council

Heard at: Cambridge

On: 10 February 2022

Before: Employment Judge Ord (sitting alone)

## Appearances

For the Claimant: In person

For the Respondent: Mr R Hogarth, Counsel

## JUDGMENT on RECONSIDERATION

1. On the Application of the Respondent, the Judgment entered pursuant to Rule 21 on 28 June 2021 is set aside.
2. The Respondent has an extension of time to file a Response to the claim up to today and the draft Response submitted on 1 July 2021 is accepted as the Respondent's Response.

## REASONS

1. This matter came before me for the purpose of reconsideration following a Judgment entered in default of any Response on 1 July 2021.
2. The Respondent's Assistance Team Leader – Litigation, Licensing and Employment – Legal, Vidhya Jayarajh had submitted a letter to the Tribunal on 10 February 2022 explaining the circumstances in which the claim form (which was properly delivered to the Respondent) did not come to the attention of the relevant individuals. Further, I have reference to a Skeleton Argument submitted by the Respondent, drafted by Mr Hogarth and dated 15 February 2022.
3. The Respondent had submitted a draft Response on 1 July 2021. The Claimant advanced claims of unfair dismissal, discrimination on the ground of disability and a claim related to non-payment of a "medical pension".

4. The Grounds of Resistance as submitted state that the Respondent had a fair reason for dismissal (capability through ill health), denied that the Claimant was disabled at the material times and deny any discrimination and required particulars for any claim for non-payment of a “medical pension”.
5. I was not satisfied on hearing from both sides that the Tribunal had jurisdiction to consider the last such claim.
6. The Respondent has a defence which puts in issue a number of matters which prima facie could establish a good defence to the Claimant’s complaints.
7. To allow the Judgment to stand would amount to a “windfall” to the Claimant and in the circumstances I was content that the Judgment should be revoked on reconsideration.

1 March 2022

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Employment Judge Ord

Sent to the parties on: 10/3/2022

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For the Tribunal Office