



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Jayesh Naik

**Respondent:** Ronak Patel

## JUDGMENT ON RECONSIDERATION

The claimant's application (by email dated **28 January 2022**, with an attached Application to Review) for reconsideration of the judgment given orally on 24 November 2021 and sent to the parties with written Reasons on **14 January 2022** is refused.

### REASONS

1. By the judgment sent to the parties on 14 January 2022 the claimant's complaint of unfair dismissal was struck out, his complaint of unlawful deduction from wages pursuant to sections 23 and 27 of the Employment Rights Act 1996 was dismissed on withdrawal and his application to amend his claim was refused.
2. By Rule 72-73 of the Employment Tribunal Rules of Procedure 2013 the parties may apply for reconsideration of judgments made by a tribunal.
3. The sole ground from which a judgment may be reconsidered is that it is necessary in the interests of justice to reconsider it.
4. By Rule 72(1) the Judge shall refuse the application if he considers that there is no reasonable prospect of the decision being varied or revoked.
5. I refuse the application because there is no reasonable prospect of varying or revoking my earlier decision. In general (insofar as can be understood) the claimant adds no further points to those which were before me at the

hearing and in any event none that provide a reasonable prospect of varying or revoking the order

6. As to specific points:
  - a. The claimant's unfair dismissal claim was struck out as an ordinary unfair dismissal claim because he did not have necessary qualifying period under Employment Right Act 1996 s108 and because there was no sustainable claim for automatic unfair dismissal - for the Reasons set out in the judgment.
  - b. The claimant made it clear to me (which I noted) that he had no unlawful deduction claims and wished to withdraw them. I would not have allowed withdrawal if I had not been very clear that the claimant (being unrepresented) understood what he was doing and wished to withdraw all the unlawful deduction claims. In any event he provides no proper basis or explanation for withdrawing that concession;
  - c. The grounds for refusing the amendment are set out in full in the Reasons and there are no new points put forward by the claimant to justify revisiting the order.

Employment Judge **Bloch QC**

16 March 2022

Date \_\_\_\_\_

JUDGMENT SENT TO THE PARTIES ON

29 March 2022

FOR THE TRIBUNAL OFFICE