



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms S Messi

**Respondents:** (1) Cordant People Limited  
(2) Lucy Goring  
(3) Hinduja Global Solutions UK Limited

## JUDGMENT

The claimant's remaining claims are struck out.

## REASONS

1. The claimant did not attend an open preliminary hearing on 18 January 2022 at which various applications for strike out and deposit orders were to be heard. She had previously been sent a notice of hearing and was emailed joining instructions for the video hearing on 17 January 2022. On the day of the hearing, the Tribunal clerk emailed her and made several attempts to telephone her at the number on the Tribunal file. The calls went to voicemail.
2. The claimant previously failed to attend her application for interim relief in these proceedings without explanation after she had sought and been granted a number of postponements.
3. The claimant has not explained her non-attendance at the open preliminary hearing. A number of the claimant's claims were struck out at the open preliminary hearing and the claimant was required to show cause why her remaining claims should not be struck out on the basis that they were not being actively pursued.
4. The claimant has replied to the strike out warning as follows:

*As I mentioned previously my claims should NOT been STRIKED out before every party should be given the opportunity of their human rights to give oral evidence and the right of a fair hearing.*

*Any previous claims are not relevant to this and this is just in attempt of the respondent and their representatives to avoid having these claims heard for the sake of the public interest.*

*Previous claims were already striked out without judges examining carefully all evidence which is completely unfair and unreasonable and owed to be examined carefully which support my claims.*

*I have also complied with the deposit order to continue with my claims so that I can give oral evidence.*

*For example there is evidence of disability discrimination, harassment and victimisation, failure to make reasonable adjustments, failure to pay notice pay and these claims cannot be strike out without being heard as this can amount to a miscarriage of justice.*

5. The reference to previous claims is to other proceedings the claimant has pursued against different respondents. The claimant has failed to attend hearings in a number of these claims and some claims have been struck out. The respondents have made reference to these proceedings. I am however able to decide whether strike out is appropriate in these proceedings by reference to the conduct of these proceedings only.
6. The difficulty is that the claimant has not attended a hearing in these proceedings and nothing she has said explains her non-attendance or provides me with any confidence that she will attend future hearings. None of the claimant's correspondence demonstrates any recognition on the claimant's part that if she wishes to pursue claims, she has to attend hearings and that if she does not attend hearings, she should explain her non-attendance. It cannot be fair to the respondents that they continue to expend costs on proceedings which the claimant is not engaging with.
7. Under rule 37(1)(d) of the Employment Tribunals Rules of Procedure 2013, a claim or response may be struck out on the grounds that it has not been actively pursued.
8. Striking out under this head will usually be appropriate where:
  - The default is intentional and contumelious (showing disrespect or contempt for the Tribunal and/or its procedures); or
  - the conduct has resulted in inordinate and inexcusable delay such as to give rise to a substantial risk that a fair trial would not be possible or there would be serious prejudice to the other party.

Rolls Royce plc v Riddle [2008] IRLR 873, EAT.

9. In the circumstances, I have concluded that the claimant's default is intentional and contemptuous – she has shown disrespect to the Tribunal and its procedures and evinces no intention of complying with the Tribunal's processes. I consider that she will continue to waste the resources of the Tribunal and the respondents and that it is not in accordance with the overriding objective that that situation be permitted to continue.

Employment Judge Joffe  
12/04/2022

Sent to the parties on:  
12/04/2022

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For the Tribunal Office: