



EMPLOYMENT TRIBUNALS (SCOTLAND)

**Case No: 4107309/2019
Held in chambers in Glasgow on 20 May 2022**

Employment Judge Ian McPherson

Mr Ahmed Hassan

Claimant

Chiko's Turkish Barber Ltd (dissolved company)

Respondents

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 by the claimant in terms of rule 37(1)(d), and, as the respondents are now a dissolved company, the Tribunal has no jurisdiction, being a separate ground for strike out in terms of rule 37(1) (a) on the basis that the claim has no reasonable prospect of success.

REASONS

1. The claimant brought proceedings against the respondents by ET1 claim form presented on 12 June 2019 suing them as Chikos Turkish Barbers. On further information received

by the Tribunal, the Tribunal amends the name of the respondents to Chiko's Turkish Barber Ltd (dissolved company).

2. No ET response was presented on behalf of the respondents, and the case was then listed for a Final Hearing. It was thereafter sisted pending related criminal proceedings being concluded at Glasgow Sheriff Court, and that sist was reviewed, and renewed, from time to time by various Judges.
3. On 10 February 2022, Mr Sahil Iseri write to the Tribunal advising that the respondents were a dissolved company. A check of the Companies House online website showed Chiko's Turkish Barber Ltd, company number SC438973, was dissolved on 19 October 2021. Mr Iseri was a director of the dissolved company.
4. The respondent company has been dissolved. The claimant has not applied to have the company restored to the Register of Companies. Given the fact that the limited company employer no longer exists, the claimant cannot continue sue it. It is appropriate that this claim before the Tribunal is now struck out.
5. The practical difficulty for the claimant, of course, is that the public record at Companies House shows that his former employer, Chiko's Turkish Barber Limited, was dissolved during the currency of these Tribunal proceedings, but apparently unknown to the claimant at the time, prior to the Tribunal drawing that fact to his attention.
6. On 26 April 2022, the Tribunal gave the claimant an opportunity to give written reasons by 3 May 2022 or to request a hearing in order to consider why the claim should not be struck out. He failed to do so, despite a reminder given on 5 May 2022, when the Tribunal gave the claimant a further opportunity to give written reasons by 19 May 2022 or to request a hearing in order to consider why the claim should not be struck out.
7. Despite these opportunities afforded to the claimant by the Tribunal, he has failed to give any acceptable reason why such a judgment should not now be made or to request a hearing. The Tribunal therefore strikes out the claim.

Employment Judge: Ian McPherson
Date of Judgment: 20 May 2022
Entered in register: 24 May 2022
and copied to parties