



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr O AZEEZ-ADEFARATI

v

MITIE LIMITED

Heard at: London Central (in person)

On: 29 July 2022

Before: Employment Judge P Klimov (sitting alone)

Representation:

For the Claimant: in person

For the Respondent: Mr Ishfaq Ahmed (of Counsel)

JUDGMENT

1. The Respondent's application to strike out the Claimant's claims as having no reasonable prospect of success, pursuant to Rule 37(1)(a) of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the **ET Rules**") fails and is dismissed.

2. The Respondent's application for a deposit order, pursuant to Rule 39 of the ET Rules fails and is dismissed.
3. There shall be no strike out or deposit order in relation to any Claimant's claims (or part of the Claimant's claims) on the grounds that the claims (or part of the claims) have been presented out of time. Any remaining jurisdictional/time issues (if any) shall be determined at the final hearing.
4. The Claimant's application to strike out the Respondent's response or, in the alternative, make a deposit order against the Respondent is dismissed, having been withdrawn by the Claimant.
5. The Respondent has acted unreasonably and not in accordance with the overriding objective under Rule 2 of the ET Rules in continuing to pursue the applications for a strike out and a deposit order following the Claimant's submission of further and better particulars on 21 February 2022.

Employment Judge Klimov

29 July 2022

Sent to the parties on:

30/07/2022

For the Tribunals Office

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant (s) and respondent(s) in a case.