



EMPLOYMENT TRIBUNALS

Claimant

Mr Khalil Ur Rahman

Respondent

Paragon Finance Ltd

v

Heard at: Watford

On: 24 October 2022

Before: Employment Judge S Bedeau

RECONSIDERATION JUDGMENT

The claimant's application for a reconsideration of the Reserved Judgment on liability sent to the parties on 17 June 2022, is refused.

REASONS

1. On 1 July 2022, the claimant applied for a reconsideration of the Reserved Judgment on liability sent to the parties on 17 June 2022. on the basis that it is in the interests of justice to do so.
2. The application raises the issue of disclosure of documents, particularly the claimant's Outlook calendar, which would have shown the work undertaken and the proportion of complaints received. In addition, there was no disclosure about his predecessor. I have checked my notes of 105 pages and can find no reference to the claimant raising these issues before the Tribunal and requesting that the respondent be ordered to produce these documents if they exists.
3. As regards the disclosure of the probationary policy, he did not request time to prepare his cross-examination of the witnesses. He is a very intelligent man who, from memory, is familiar with the concepts and policies of equality and diversity and the provisions of the Equality Act 2010. It is unlikely that he would have accepted a time constraint on his cross-examination as he was able to articulate his views quite assertively during the hearing. If he had asked for more time to cross-examine the witnesses for the respondent, it would have been given to him. We did make findings of fact in relation to the respondent's probationary policies in paragraphs 73-75 of the judgment.

4. In relation to the comparators, we dealt with the evidence before us, made findings of fact, and came to our conclusions, paragraphs 81-82. The claimant is now seeking to re-examine this issue.
5. The claimant then invites the Tribunal to reconsider the approach taken in relation to the disability discrimination claims. His suffers from Type 2 Diabetes which the respondent accepted as a disability, but denied knowledge of it at all material times. We considered the evidence and made appropriate findings of fact and came to our conclusions in respect of the claims. This is an attempt by the claimant to have the Tribunal re-try the claims and issues.
6. Under rule 71 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, as amended, "ET Rules of Procedure", a party can make an application for reconsideration within 14 days of the date on which the original decision was sent or within 14 days from the date that the written reasons were sent, if later.
7. Rule 72(1) provides:

"An Employment Judge shall consider any application made under rule 71. If the judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the tribunal shall inform the parties of the refusal. Otherwise the tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application."
8. Under rule 72, ET Rules of Procedure, and having regard to the matters above, I have concluded that there is no reasonable prospect of the Reserved Judgment being either varied or revoked.
9. Accordingly, this application by the respondent for a reconsideration, is refused.

Employment Judge S Bedeau

24 October 2022

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Sent to the parties on:

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For the Tribunal:
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