



EMPLOYMENT TRIBUNALS

Claimant: MR R WANE

Respondent: CARLUCCIOS LTD (IN ADMINISTRATION)

On: 30 November 2022

Before: Employment Judge Skehan,

Dealt with on papers

JUDGMENT

1. By a letter dated 19 September 2022 the Tribunal gave the claimant an opportunity to make representations as to why the complaints should not be struck out because of the claimant's failure to indicate that he had applied to the Administrator or the Court for permission to continue with these proceedings as directed by the Employment Tribunal on 1 May 2020.
2. The claimant responded by way of two emails dated 26 September 2022 (timed 17:01 and 18:39). The claimant did not make mention of or indicate that any application had been made or granted by the Administrator or the Court for permission to continue with these proceedings.
3. The content of the claimant's email 26 September 2022 related to potential liability on the part of other corporate entities in respect of this claim. At its highest, this email may be intended as an application by the claimant to add alternative respondents to this litigation.
4. It can be seen from the tribunal file that the claimant made an application to amend his claim in August 2020. This application was refused on 21 October 2020. No further progress was made in respect of this matter until the correspondence giving rise to this judgment.
5. It is noted that this is an old claim where ACAS early conciliation was commenced on 20 July 2019. It is not considered in line with the interests of justice and the overriding objective to deal with the matter fairly and justly for the employment tribunal to grant an application to add additional parties to this litigation at this late stage. Due to the delay on the part of the claimant, it would not be possible to have a fair trial in the event that other parties were added to this claim at this late stage. This is and remains a claim against Carluccio's Limited (in administration) only.

6. I therefore conclude that the entirety of this claim is struck out in accordance with the provisions of Rule 37 of the Employment Tribunal rules as it has not been actively pursued and due to the claimant's failure to comply with previous employment tribunal directions in particular the failure to apply to either the Administrator the Court for permission to continue with these proceedings. It is no longer possible to have a fair hearing of the claimant's complaints.

Employment Judge Skehan

Date: 30 November 2022

Sent to the parties on: 2 December 22

For the Tribunal Office