

**Case No: 1308450/2022**



# **EMPLOYMENT TRIBUNALS**

**Claimant: Mr R Sthankyia**

**Respondent: Meggitt Aerospace Limited**

**Heard at:** Birmingham City Centre Tower      **On:** 9 March 2023

**Before:** Employment Judge Kelly (sitting alone)

**Representation:**

Claimants: In Person

Respondents: Mr Dunn (counsel)

## **JUDGMENT**

**It is the decision of the Employment Tribunal that:**

- 1. The Claimant's claim against the Respondent is struck out as standing no reasonable prospects of success.**

# REASONS

## Introduction

1. This is the determination in relation to the Respondent's application for strike out pursuant to Rule 37 of the Employment Tribunal's Rules of Procedure 2013 ("the 2013 Rules"). It is said that the Claimant's case stands no reasonable prospect of success.

## Background

2. The Claimant was engaged as a contractor by Meggitt Aerospace Limited ("Meggitt") between 30 January 2019 and 26 July 2019. I understand that there are similar claims to this one that are presently pending before other Employment Tribunals in relation to various other respondents, being Euro Car Parts, Santander and Lloyds Bank all of which are in, I understand, other Tribunal centres. There is a further claim against Anglo Beef Processors that proceeds in this Tribunal centre. I have seen no paperwork in relation to those other sets of proceedings, save to the extent that they are referenced in the bundles which are before in this application.
3. The essence of the Claimant's claim appears to be that there is a substantial network of individuals and entities, and with some involvement it seems from central government, that have been long established going back to circa 2017, and which continue to an extent to this day, that have the effect of making it impossible for the **Claimant** to secure any form of employment or engagement in the work that he does.
4. The conspiracy is said to be a process of seeking to prevent, or at least having the effect of preventing him from obtaining a job and he has exhibited at page 103 of his bundle a significant list of vacancies that he has made applications for and not succeeded with, and he attributes that in no small part to the underlying conspiracy that is said to exist amongst the institutions and persons to which I have referred.
5. The whole episode he says has affected his routine in terms of work, his income, naturally, and his relationships and his mental health. The conspiracy includes a number of individuals and institutions, Kaz Ikram of Euro Car Parts is said to be the mastermind or the genesis of the conspiracy. The Home Office and Priti Patel are said to be involved, together with the former Prime Minister Liz Truss, Baroness Faulkner and seven other prior employers at least and a substantial number, at least 100, recruitment agencies. The Claimant was unable to say specifically how these institutions and persons have played a role, other than that they must be contacting each other, and prospective employers, to prevent the Claimant from seeking employment.

6. The Claimant's case was initially set out in brief in an ET1 that was issued in October 2022. It essentially referred to the claim being for unlawful discrimination without any material detail as to precisely what that discrimination was said to be, save to say that it was ongoing since November 2017 and continues to this day. That position has been clarified to some extent, albeit, not anywhere near sufficiently.

### **The issues**

7. In terms of the Respondent's application to strike out, the first argument advanced is that the Claimant has no standing to bring the claims. It is said that the provisions of Sections 39(1) and 39(2) of the Equality Act 2010 ("the 2010 Act") in relation to an employment related discrimination cannot apply because on the Claimant's own case the discrimination referenced as regards Meggitt happened post-employment. I raised with counsel Mr Dunn for the Respondent the provisions of s. 108 of the 2010 Act from which it is clear that discrimination which arises out of and is closely connected to a relationship that used to exist is prohibited and that relationship goes beyond pure employment and can exist in terms of relationships with contractors. It was suggested by Mr Dunn that there is no standing even taking account of s.108 because there can be no sufficiently close connection and the discrimination cannot be said to arise out of the particular relationship between the Claimant and Respondent in this case.
8. I look at this as an issue that I have to determine as to whether the prospect of establishing, if the facts sufficient to prove what the Claimant says, stands a reasonable prospect of success. I do not attempt to determine the matter as to whether there is in fact liability by reason of s.108. It seems to me that to the extent that Meggitt was indeed involved in some wide-ranging conspiracy of the kind alleged by the Claimant, then it seems to me that if Meggitt is likely to have been so engaged by reason of the relationship that arose, and which is sufficiently close to, the relationship that existed with Meggitt. As such, I am not satisfied that it would be right for me to conclude that there is no reasonable prospect of success on the point of standing, so I am against the Respondent in relation to that.
9. The other point that was raised, and perhaps the one with the greatest force, is in relation to a lack of particularization of the conspiracy and the role that the Claimant is said to have had in it. There is no doubt in my judgment that the allegations that Claimant raises are serious allegations, they are significant allegations in the sense of an overarching, significant and widespread, potentially international, conspiracy between various institutions and persons which I think he suggests is designed to prevent him from securing a new role with a prospective employer or third party. He is unable to say why all of these parties would wish to prevent him securing a new role of any kind with any third party.
10. Very little detail was given in the ET1 in relation to the specific allegations at all, let alone this particular Respondent such that the Tribunal then directed on 15 December that the Claimant set out in writing each of the acts of discrimination that were relied upon by 13 January, and to explain in writing why and how it is

alleged that the Respondent has continued to discriminate against him since 26 July 2019.

11. On the same day, 15 December, the Claimant wrote to the Employment Tribunal and copied in the Respondent and essentially said that Adam White had set him up at Meggitt under the command of a Gareth White, such a diktat having come from Kaz Ikram, from Euro Car Parts.
12. He says that no Information Order has been given, yet none of the Respondents have given him notes of two settlements that are said to have taken place by the HRC. He says it is key evidence and that there is a continual discriminatory campaign, it is still occurring and that his claim is not out of time. He says again that everything stems from Kaz Ikram.
13. On 16 January 2023 in an email to the Employment Tribunal copying in the Respondent he says that inside Meggitt itself the person doing the discriminating, and thereafter presently in terms of the employment discrimination, is Louise Clayton, whom I understand is Louise Edwards-Clayton. He goes on to say that it is because of corporate politics from other organisations that if they do not do the will of others, they might get taken out of their positions, but by doing the will of others, it is unlawful. He goes on to say that individuals therefore do not need to be employed by Meggitt because of corporate politics.

### **The Law**

14. I am aware of the cautious approach adopted in the authorities to striking out a discrimination claim. There is the decision in Mechkarov v CitiBank 2016 ICR 1121 in which the approach in relation to strike out of discrimination claims was said to be that as follows: (a) only in the clearest of cases should discrimination claims be struck out, (b) where there are core issues of fact that turn, to any extent, on oral evidence they should not be decided without hearing oral evidence, (c) a claimant's case must ordinarily be taken at its highest, and (d) if a claimant's case is conclusively disproved by or is totally and inexplicably inconsistent with undisputed contemporaneous documents, it may be struck out and a tribunal should not conduct an impromptu mini trial or oral evidence to resolve core disputed facts. In my judgment the basis of those observations is premised upon a case which has been set out which discloses something from which the Respondent can work to identify the alleged acts of a discriminatory nature such that it can properly respond and defend its position.
15. I have also been referred by counsel for the Respondent to Ahir v British Airways Plc [2017] EWCA Civ 1392 in which the Court of Appeal recognised that Employment Tribunals should not be dissuaded from striking out an appropriate claim, even if it is a discrimination based claim where it is pretty clear that there is no reasonable prospect that that claim will ultimately succeed.
16. The Claimant says that he needs disclosure orders to be able to identify the alleged discriminatory acts, the dates they took place, precisely what is said to have happened, such that he can properly put his case. He has previously said in documentation to the Tribunal that information orders have been granted but

it seems that that is not necessarily the case and there is certainly no evidence that that is the case. Notwithstanding whatever the position is in relation to information orders made in other Tribunals or other jurisdictions, it is not right that this Tribunal proceed on the premise that it ought to make disclosure orders to assist the Claimant in being able to identify the potential basis of a claim that may or may not exist, and particularly in circumstances when the context in which that is said is a claim the nature of which is said to involve many organisations, government entities, institutions and involve a substantial conspiracy between all of those, which is targeted to some extent on the Claimant.

17. I am satisfied that these are serious allegations and that the Respondent is deserving of a proper set of facts from which it can identify what it is said to have done wrong, when it is said to have done that wrong and to respond accordingly, and we are far from the position where the Respondent is able to do that.

18. I made efforts during the hearing to try and drill down on some of the issues which are set out in the Claimant's statement of case. In particular drawing the distinction between acts of discrimination versus a continuing effect of discrimination, albeit that was mainly in the context of issues relating to time but the point remains that it was difficult to identify precisely what the acts complained of are said to be, when they are said to have taken place, and it seems to me that it is not appropriate in the circumstances of this case for the Claimant to ask the Tribunal for an order to assist in him working out whether essentially there is a claim, and what that claim should be to put it to this Respondent. I am with the Respondent in relation to the lack of particularity and I am satisfied that on that basis alone it is not appropriate for the claim to proceed because it stands no realistic prospect of success and is too vague and ill-defined to be fair to permit to proceed against the Respondent.

19. The third heading that is referenced by the Respondent relates to causation. There are a number of issues that were set out in Mr Dunn's skeleton which I am not necessarily sure are true causation issues, but what is clear is that the Claimant's case is said to have been ongoing, the discriminatory acts, whatever they are, are said to have been ongoing since 2017 and it is not entirely clear to me that therefore that structure that is said to be in place or that network of conspiracy that is said to be in place of itself is attributable to Meggitt, at least, the genesis of the conspiracy could not be attributed to Meggitt, although I of course accept that if Meggitt had been identified to have done something specific in terms of a discriminatory act that was more recent, then of course it could very well be that the acts are attributable to it.

20. Constant reference was made in the hearing by the Claimant to such things as "corporate politics" and others seeking to do the will of Mr Ikram, although quite why they might wish to do the will of Mr Ikram (or indeed, why Mr Ikram might even have the alleged desire to work with so many persons and prevent the Claimant securing work) is far from clear. It is still less clear why in reality the likes of Home Office, Ms Truss and Baroness Faulkner can realistically be said to have been involved and why steps would have been taken by them (as

alleged) to have his telephones bugged to identify where he secures his information from and to thwart him at every turn in securing new work.

21. I recognise that an Employment Tribunal should ordinarily start off by accepting the Claimant's facts as their highest, but I do not accept that this includes a case in which the Claimant makes wide sweeping allegations of a general nature, which at their heart, even he accepts "appear outlandish", and upon which hardly any detail has been provided at all, no motive supplied, and which in all reality, are highly unlikely to stand up to scrutiny.

### **Conclusions**

22. The conclusion I reach is that there is no reasonable prospect of the Claimant's claim against this Respondent succeeding and the Claimants claim is therefore struck out.

23. I conclude by noting that the Claimant at the end of the hearing indicated that whilst he accepted that judgment of the Tribunal, he would simply commence other claims against Meggitt, because he had no finances anyway, and that any orders against him could not be enforced. I had pointed out to the Claimant that this approach was not appropriate, that he would likely face adverse costs awards on the basis that such conduct is unreasonable, and further, that he may face a restraint order which prevents ready access to the courts and tribunals.

Employment Judge Kelly

20<sup>th</sup> March 2023