



EMPLOYMENT TRIBUNALS

Claimant: Mr J Alom

Respondents: (1) Ms A Shukat
(2) The Financial Conduct Authority

JUDGMENT ON A PRELIMINARY HEARING

Heard at: East London Hearing Centre (by CVP)

On: 20 February 2023

Before: Employment Judge B Elgot

Representation

Claimant: In person

Respondent: Mr R Thomas, Counsel

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

The Employment Judge gave Judgment as follows:-

JUDGMENT

(Rule 39 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013)

1. The Claimant has failed to pay the deposit in the total sum of £5800 or any part of that sum as ordered by the judgment of Employment Judge M Martin on 18 October 2022 sent to the parties with reasons on 11 November 2022.

2. The Claimant told me that he knew the potential consequences of not complying with the order but was unable to pay the deposit or any part of it. I am satisfied that Employment Judge Martin made reasonable enquiries into his ability to pay and had regard to the information supplied by the Claimant when deciding the amount of the deposit.

3. Therefore the allegations to which the deposit order relates are hereby struck out and DISMISSED as follows:-

- (i) The fourteen allegations of harassment on the grounds of sex which are duplicated as fourteen allegations of direct sex discrimination
The allegation of harassment on the grounds of race.

For the avoidance of doubt these are the allegations set out at paragraph 6.1- 6.15 in the draft List of Issues commencing at page 160 of the Preliminary Hearing Bundle, paragraph 6.9 having already been struck out on its merits. The other fourteen allegations which are struck out are at paragraph 7 save for the parallel reference to 6.9 which has been struck out on its merits. Paragraph 8 is struck out.

- (ii) The Claimant's application to strike out all or part of the Response has been refused twice: once by EJ Martin on 18 October 2022 and then, following a renewed application, by EJ Burgher on 7 February 2023. I concur with both decisions and decline to strike out the Response or any part of it.

5 Amendments to the Claim. My decision in relation to two applications made by the Claimant to amend his claims is as follows:-

5.1 On 13 January 2023 the Claimant wrote to the Tribunal referring to a document prepared by him and headed '*Particularised Draft Proposed Amendment of Claims*' sent to the Respondents and the Tribunal on 8 August 2021. Under the heading 'Victimisation' there is reference to '*Stage 1 Grievance Complaint submitted in February 2021*'. This is a reference to a complaint made by him against Saima Barlas which was adjudicated upon by Mr J Bell. The Claimant applies to have the alleged failure by Mr Bell to '*adequately address and/or investigate*' this complaint added to the list of acts of victimisation about which the Claimant complains. This application to amend SUCCEEDS by reference only to that one issue and no other part of the text in red to which the Claimant referred me at pages 141-149 of the PH bundle which contain a draft List of Issues which is not agreed.

5.2 The Claimant's application dated 1 August 2022 and supplemented by further submissions on 11 December 2022 to amend his claim by the addition of new 'post-employment' complaints relating to acts of direct race discrimination, alternatively harassment based on race, and victimisation DOES NOT SUCCEED. This is because the new pleading will involve entirely different areas of inquiry to the existing claims which will entail the examination of significantly different factual and legal issues. I am also satisfied that the new post employment claims have little or no merit.

5.3 A case management order is attached to this judgment.

Employment Judge B Elgot
Dated: 24 March 2023