



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Mohamed A M Husain

**Respondent:** Rosalind Franklin laboratory (R1)  
Blue Arrow Limited (R2)

## RECORD OF A PRELIMINARY HEARING

**Heard at:** Remote hearing      **On:** 01.06.2023

**Before:** Employment Judge Mensah

### Appearances

For the Claimant: In person

For the 1st Respondent: Paul Smith (Counsel) UKHSA

For the 2nd Respondent: Jon Keeble (Solicitor)

# PRELIMINARY HEARING JUDGMENT

### The Tribunal orders that:

1. By consent the claim against the First Respondent has been withdrawn as it is the wrong party. The correct party is Blue Arrow Limited. The claim against Blue Arrow Limited will proceed.
2. The Second Respondent, Blue Arrow Limited was granted an extension to present their response to the 28.04.2023. I applied the principles in the case of *Kwik Save Stores Ltd v Swain* [1997] ICR 49 (see *Moroak (t/a Blake Envelopes) v Cromie* [2005] IRLR 535, [2005] ICR 1226, EAT, at [30], per *Burton J*). I concluded the delay was caused by circumstances outside the Second Respondent's control, there was merit in the response, and the weight of prejudice fell in favor of the Respondent being granted the extension.

3. On this basis the hearing progressed to a discussion on case management of the claim between the Claimant and the remaining Respondent and the orders are set out in the Case Management order.

Employment Judge Mensah

Date: 1.6.2023