



EMPLOYMENT TRIBUNALS

Claimant: Fiaz Kayani
Respondent: Currys Group Ltd
Heard at: East London Hearing Centre (via CVP)
On: 16 June 2023
Before: Employment Judge Housego

Representation

Claimant: Did not attend, was unrepresented and did not write to the Tribunal
Respondent: Rosie Kite, of Counsel, instructed by Jamie Campbell of DWF LLP

JUDGMENT

The claim is struck out.

REASONS

1. At a Case Management Order on 31 January 2023 directions were given, requiring the Claimant to do various things by 14 March 2023.
2. At that hearing the Respondent wished to make an application for a deposit order but there was insufficient time for that application to be made.
3. At that Case Management Hearing this hearing was called to decide whether to make deposit orders in respect of the Claimant's various claims.
4. The Case Management Order was emailed to the parties on 15 February 2023.
5. The Claimant failed to comply with the Orders made requiring him to do certain things by 14 March 2023.
6. On 04 April 2023 the Respondent's solicitor emailed the Claimant to request the information details and documents as these were now overdue.
7. On 12 April 2023 the Respondent's solicitor emailed the Claimant and requested that the Claimant comply with the Order within 7 days.

8. On 16 May 2023 the Respondent's solicitor made application under Rule 37 for the claims to be struck out for non-compliance with the Orders, and because the claim was not being actively pursued.
9. On 29 May 2023 the Respondent asked that the application to strike out the claims be considered as soon as possible.
10. On 05 June 2023 the Tribunal wrote to the parties directing that the strike out application would be considered at the hearing on 16 June 2023.
11. All those communications were sent to the Claimant at the email address he used.
12. The Respondent's solicitor has recently attempted to contact the Claimant by telephone, and on the call not being answered left a voicemail asking whether he intended to attend this hearing.
13. There has been no call back from the Claimant.
14. The Respondent has not heard from the Claimant since the Case Management Hearing on 31 January 2023.
15. The Tribunal has not heard from the Claimant since that hearing.
16. I strike out this case under Rules 37 and 47 for the following reasons:
 - 16.1. The Claimant has failed to comply with the Orders made on 31 January 2023, and it is now over three months since the date he was required to comply with them. He is in serious default. He has not explained that default or offered to comply by any future date.
 - 16.2. The Claimant has not contacted either the Tribunal or the Respondent since 31 January 2023, now some four and a half months, and so is not actively pursuing his claims.
 - 16.3. He failed to attend this hearing, notice of which was sent (the Respondent attended). No reason was given by him for his non-attendance.

Employment Judge Housego
Date 16 June 2023