



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs Nosheen Choudhary  
**Respondent:** Emma Victoria Ltd T/A Farnham Beauty  
**Before:** Employment Judge Millard

## **JUDGMENT ON APPLICATION FOR RECONSIDERATION**

The judgment of the tribunal is that the claimant's application for reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

### **REASONS**

1. The Respondent has applied for a reconsideration of the judgment of 17 November 2022, that the Respondent made an unlawful deduction from the Claimant's wages in the sum of £1,200.

#### **Background**

2. Oral reasons were given at the hearing on 17 November 2022.
3. Following the hearing on 17 November 2022 the Respondent emailed the Employment Tribunal on 22 November 2022. This email said, "*I did not feel that Mr Judge has been given a fair decision in this case. I would like to raise my concern and would like to appeal to reconsider this case.*"
4. This email was referred to me by the Employment Tribunal by way of an email of 3 December 2022, seeking further directions.
5. By email of the same date, I directed the Employment Tribunal to respond in the following terms, "*In order to appeal a decision of the Employment Tribunal*

*you require a statement of reasons. The Employment Judge will treat your email of 22 November as a request for a written statement of reasons.”*

6. The Employment Tribunal promulgated the judgment to the parties on 7 December 2022.
7. On 7 December 2022 the Employment Tribunal informed me that the Respondent had requested reconsideration of the judgment which had been promulgated that day. No reasons for the basis of a reconsideration were provided.
8. By email of the same date, I directed the Employment Tribunal to write to the Respondent and ask for the reasons why they wanted a reconsideration, in order to enable a reconsideration of the judgment to take place.
9. On 18 December 2022 I provided written reasons for the judgment of 17 November 2022.
10. By email of 23 December 2022 the Employment Tribunal asked the Respondent to supply reasons as to why the judgment should be reconsidered.
11. By email of 22 February 2023 the Respondent emailed the Employment Tribunal in the following terms,

*We strongly believe that we have done everything in correct manner. The agreement was signed by the employee to pay full amount in case if she leave or get termination within two years of the employment then she will have to pay for the training fee. She took the training and resigned from us but start working for the same training from her home set up business.*

12. Unfortunately, this email was not referred to me by the Employment Tribunal until 9 August 2023.

### **The Law**

13. Schedule 1 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 contains the Employment Tribunal Rules of Procedure 2013 (“the Rules”). Under Rule 71 an application for reconsideration under Rule 70 must be made within 14 days of the date on which the decision (or, if later, the written reasons) were sent to the parties. The application was therefore received within the relevant time limit.
14. The grounds for reconsideration are only those set out in Rule 70, namely that it is necessary in the interests of justice to do so.

**Discussion**

- 15. The ground relied upon by the Respondent for reconsideration is set out in the email of 22 February 2023, specifically that the Claimant signed a Training Agreement authorising the deduction. This amounts to a restatement of the Respondent’s case which was fully considered at the hearing on 17 November 2022, where the Training Agreement clause was found to amount to a penalty clause and was therefore not enforceable by the Respondent against the Claimant. The reasons for this are fully set out in the written reasons of 18 December 2022.
- 16. The ground for reconsideration does not identify any error of law, procedural irregularity, misunderstanding or misstatement of the evidence that might give rise to reconsideration. Whilst these are not every potential reason why it might be in the interests of justice to reconsider a judgment, they are an indication of what would typically give rise to a reconsideration.
- 17. Where a Judge is required to make a decision in a dispute between parties, in almost all cases at least one party will be unhappy with that judgment as the parties were unable to resolve the dispute between themselves and therefore the Judge was required to make a ruling on it. That in and of itself is not a ground for varying or revoking a judgment in the interests of justice. The reason for reconsideration given by the Respondent in the email of 22 February 2023 amounts to nothing more than a restatement of the original case, which was fully considered at the hearing on 17 November 2022. No grounds are provided that give any prospect of the Judgement being varied or revoked, and it is not in the interests of justice to reconsider the judgment.

**Decision on Reconsideration**

- 18. Accordingly, for the reasons that have been set out above, I refuse the application for reconsideration pursuant to Rule 72(1), because there is no reasonable prospect of the Judgment being varied or revoked.

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Employment Judge Millard  
Dated 10 August 2023

JUDGMENT SENT TO THE PARTIES ON  
17 August 2023

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FOR THE TRIBUNAL OFFICE