



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L Ramachandran

**Respondent:** Bechtel Limited

## JUDGMENT

The claimant's application dated 18 September 2023 for reconsideration of the judgment sent to the parties on 1 September 2023 is refused.

## REASONS

1. This is the application of the claimant dated 18 September 2023 for reconsideration of a judgment sent to the parties on the 1 September 2023. The application makes it clear that it only relates to the victimisation part of issue 1.3.5. That allegation was phrased as an allegation of direct discrimination which is not part of the reconsideration application and also as an act of victimisation, allegation 2.3.1 :

‘That the claimant was advised on 20 March 2020 by Rajesh, Mark Ashwin and Vikas S Joshi that he was being given four weeks notice of removal from Reliance project.’

2. The judge has not seen any response to the application from the respondent.
3. There is no reasonable prospect of the original decision being varied or revoked, because the tribunal has made the findings it found necessary to make to determine the issue but the claimant does not agree with the conclusion it reached.

#### 4. Relevant Provisions of the Employment Tribunal Rules 2013

##### Reconsideration of judgments

##### Principles

70. A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision (“the original decision”) may be confirmed, varied or revoked. If it is revoked it may be taken again.

##### Application

71. Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

##### Process

72.—(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge’s provisional views on the application.

(2) If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.

(3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.

##### Extending or shortening time

5. The Tribunal may, on its own initiative or on the application of a party, extend or shorten any time limit specified in these Rules or in any decision, whether or not (in the case of an extension) it has expired.
  
6. The Reserved Judgment and Reasons were sent to the parties on the 1 September 2023. The Rules provide that the claimant had 14 days from that date to make his application for reconsideration. He made it on the 18 September 4 days out of time. He asks that time be extended in view of the complexity of the decision and the time it therefore took him to

consider it with the bundle and submit the application. Rule 5 provides that the tribunal may extend time and it considers it is in the interests of the overriding objective to do so in such circumstances when the decision ran to 71 pages.

7. At paragraph 11 of its Reasons the tribunal set out why it would not be feasible nor relevant for it to refer to every piece of evidence heard and document it was taken to (in over 3000 pages of documents). It made it clear that it would only make findings it needed to make to determine the issues before it.
8. At paragraph 123 of the reasons it also made it clear that whether Rajesh knew that the claimant was going to raise his second grievance was not one of the issues before it and with such a lengthy list of issues it was crucial that the tribunal kept to it and only determined the issues on it.
9. The claimant in his reconsideration application states that the tribunal failed to refer to the 'correct British (GMT) time zone on the email of the 19 March 2020 that Rajesh sent to Terry Tadlock and others referring at its paragraph 139 to the time in Houston of 9:58 rather than 14:58 UK time. The tribunal did not find the need to focus on the precise timings in view of the other findings it had made as follows.
10. At paragraph 134 it found that it was not the case that the claimant would stay on the Reliance project until the end of June 2020
11. The tribunal recorded that it accepted Rajesh's evidence that although he had man hours for the project until the end June 2020 that did not necessarily mean that any particular individual would still be assigned to it by that date (paragraph 135)
12. Crucially the tribunal found that the emails about man hours started between Rajesh and others on 12 March 2020 before the grievance raised by the claimant on the 19 March or on the claimant's case that Mark Ashwin knew he was going to raise a grievance.
13. The tribunal gave clear conclusions at paragraphs 269 – 271 as to why it did not accept the claimant was removed from Reliance as an act of victimisation. The claimant may not agree with those conclusions but the tribunal made the findings it considered necessary on the evidence heard by it in coming to them.

Employment Judge Laidler  
Date : 6 October 2023

JUDGMENT SENT TO THE PARTIES ON  
13 October 2023.....

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FOR THE TRIBUNAL OFFICE