



EMPLOYMENT TRIBUNALS

Claimant: K Adeleke

Respondent: Mitie Limited

Held at: London South Employment Tribunal

Before: Employment Judge Burge

RECONSIDERATION JUDGMENT

The Claimant's application dated 13 September 2023 for reconsideration of the oral Judgment delivered to the parties on 31 August 2023 is refused.

REASONS

1. Rule 72(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (the "Rules") enable an Employment Judge to refuse an application for reconsideration if they consider that there is no reasonable prospect of the original decision being varied or revoked. The test is whether it is necessary in the interests of justice to reconsider the judgment (Rule 70).
2. Preliminary consideration under Rule 72(1) must be conducted in accordance with the overriding objective which appears in Rule 2, namely that cases should be dealt with fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay. Achieving finality in litigation is part of a fair and just process.

3. In his application for reconsideration the Claimant is seeking to argue facts already found and relitigate matters that have already been litigated. It is an attempt to have a second go at arguing the same thing which is contrary to the overriding objective, it would not be fair nor just to allow the Claimant to do so.
4. It is therefore not in the interests of justice for the decision to be reconsidered. There is no reasonable prospect of the original decision being varied or revoked.

Employment Judge **Burge**

Date **18 October 2023**

JUDGMENT SENT TO THE PARTIES ON
Date **23 October 2023**

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FOR EMPLOYMENT TRIBUNALS

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