



EMPLOYMENT TRIBUNALS

Claimant: Mr B Raveendran
Respondent: Chicken Cabins Ltd (1)
Darren Smith (2)

JUDGMENT

The claimant's application dated **30 November 2023** for reconsideration of the judgment sent to the parties on **18 November 2023** is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked for the following reasons.
2. Rule 70 of the Employment Tribunal Rules of Procedure 2013 says
"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".
3. Rule 72 says
"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".
4. The grounds on which a decision may be reconsidered are where it is in the interests of justice to do so.

5. Previously, the Employment Tribunal Rules of Procedure 2004 provided that decisions may be reviewed on the following grounds only
 - a. the decision was wrongly made as a result of an administrative error;
 - b. a party did not receive notice of the proceedings leading to the decision;
 - c. the decision was made in the absence of a party;
 - d. new evidence has become available since the conclusion of the hearing to which the decision relates, provided that its existence could not have been reasonably known of or foreseen at that time; or
 - e. the interests of justice require such a review.
6. Although this rule is no longer in force, it provides helpful guidance as to the sort of circumstances in which a decision might be reconsidered.
7. There is no suggestion in the claimant's application of an administrative error, or a decision being made in the absence of a party or without a party having notice of the hearing. All parties attended.
8. The claimant's application does not refer explicitly to new evidence that has become available. In effect, the claimant argues that the Tribunal has misunderstood the evidence or come to the wrong conclusion on the basis of the evidence we have heard or the findings we have made.
9. Having reviewed the claimant's application, it is my view that the claimant is seeking to re-argue the case on the basis of the evidence that the tribunal had.
10. I do not address all the submissions the claimant makes, but by way of example, the claimant makes the point that the tribunal has made a mistake in finding Mr Shah to be a plausible and reliable witness. However, the tribunal came to that decision having reviewed all the evidence it was presented with. The claimant may not agree with the tribunal's assessment, but that is not a good reason to reconsider the decision.
11. All of the points that the claimant raises in his application for a reconsideration have either been addressed in the judgment or were not relevant to the matters to be decided as set out in the list of issues.
12. The tribunal has a broad discretion when deciding whether or not the interests of justice require a decision to be reconsidered. However, the Tribunal must balance the interests of the claimant, who is seeking the reconsideration, against the interests of other litigants in the system, and the public policy requirement for finality in litigation. It would not, for example, be in the interests of justice for a party to keep asking for a reconsideration until they achieved the outcome they wanted.
13. In my judgment, the claimant has not set out any grounds for a reconsideration that demonstrate that it would be in the interests of justice

for the decision to be reconsidered and for that reason, the claimant's application has no reasonable prospects of success and is refused.

Employment Judge Miller

Date 14 December 2023