



EMPLOYMENT TRIBUNALS

Claimant

Mr Manoj Dadral

Respondent

LHR Airports Limited

v

Heard at: Watford (CVP)

On: 30 October 2023

Before: Employment Judge S Moore

Appearances

For the Claimant: No appearance, decided on the papers

For the Respondent: No appearance, decided on the papers

JUDGMENT

The Claimant is ordered to pay costs to the Respondent in the sum of £750.0 plus VAT.

REASONS

1. The background to this matter is set out in a Case Management Order dated 16 August 2023, when the Claimant was given an opportunity to show cause why a Costs Order in the sum of £750 plus VAT should not be made against him.
2. On 29 September 2023 the Claimant sent an email stating that at the time of his dismissal, no charge or a conviction had been brought against him so it was unreasonable for the Respondent to use this as justification for his dismissal. Further, he had requested a document from the Respondent which he believed may have held damning evidence against the Respondent but, in the event, when the email, dated 31 May 2022, was disclosed on 15 August 2023, it was of no use to his case. He believed he had been unfairly targeted by the Respondent and had a strong likelihood of winning his case, however he decided his claim for loss of earnings

would not be very much so it wasn't worth the time he would have to take preparing the case. As regards the threat he made on 21 March 2023, the Respondent had also threatened him because it stated he should withdraw the claim otherwise his conviction would be exposed.

3. Rule 76(1) of the Employment Tribunals Rules of Procedure 2013 provides that:
 - (1) A Tribunal may make a costs order or a preparation time order, and shall consider whether to do so, where it considers that-
 - (a) a party (or that party's representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings (or part) or the way the proceedings (or part) have been conducted;
 - (b) ...
 - (c) ...
4. Here the Claimant brought a claim for wrongful and unfair dismissal without providing any particulars whatsoever of the bases of those claims. Further, by the date the Respondent lodged its response (22 March 2023) his behaviour had been the subject of criminal proceedings and he had been convicted of harassment in respect of making withheld number calls to colleagues, which was one of the findings made against him at his disciplinary hearing. Notwithstanding that conviction the Claimant did not withdraw his claim until ten minutes before the Preliminary Hearing listed at 2pm on 16 August 2023 to hear the Respondent's application to strike out the claim. Although the Claimant apparently considered that the email disclosed to him on 15 August 2023 would advance his case, he hasn't explained why and how he believed it would do so, and it plainly does no such thing. The upshot is that the Claimant has never articulated any basis on which it could be argued his dismissal was unfair and his conviction in the criminal courts strongly suggests that no such basis has ever existed.
5. Moreover, on 21 March 2023 the Claimant blatantly threatened the Respondent by email stating that unless the Respondent settled the claim, he would reveal "some unbelievable occurrences which would be damaging for Heathrow". The Claimant alleges the Respondent's "threat" to reveal his conviction, should the claim proceed, amounted to the same type of behaviour. I do not accept this assertion. The fact of the Claimant's conviction coming into the public domain was an inevitable consequence of the Claimant choosing to pursue his claim, which the Respondent was entitled to point out. By contrast the Claimant was effectively attempting to blackmail the Respondent with the threat of revealing damaging information unrelated to his claim unless the Respondent paid him off. It is further noted the Claimant has not subsequently made any public interest disclosures.
6. In the light of the above I consider the Claimant has acted unreasonably in bringing these proceedings and/or in the way in which they have been conducted. I further consider that it is appropriate to exercise my discretion

and make a costs order and consider the sum sort by the Respondent, namely £750 plus VAT, (being the cost of Counsel's brief fee of attending the Preliminary Hearing) to be entirely reasonable in the circumstances.

7. I therefore make a Costs Order against the Claimant in the sum of £750 plus VAT.

Employment Judge S Moore

Date: 30 October 2023.....

Sent to the parties on: 20/12/2023

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For the Tribunal Office