



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case Number: 4106946/2023**

**Miss A MANNAPARAMBIL**

**Claimant**

**AHRO SCIENTIFIC PUBLISHING LTD**

**Respondents**

# **JUDGMENT**

## **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The judgment of the Employment Tribunal is that the claims for notice pay and redundancy pay are struck out under Rule 37(1)(a) of the Employment Tribunal Rules of Procedure on the basis that these claims have no reasonable prospect of success.

# **REASONS**

1. The Claimant has brought a number of complaints against the respondents. Two of the claims are for notice pay and redundancy pay.
2. Both of these claims only arise where an employee is dismissed (either without the requisite notice in relation to the notice pay claim or by reason of redundancy in respect of the redundancy pay claim). However, it is common ground that the claimant resigned from her employment and so no entitlement to notice or to redundancy pay arises.
3. Further, the claimant does not have the two years' service which is required for an employee to have a right to redundancy pay in terms section 155 of the Employment Rights Act 1996.

4. In these circumstances, the Tribunal considered that, even taking these claims at their highest, the claims for notice pay and redundancy pay had no reasonable prospects as there was no entitlement to either payment as a matter of law.
5. By letter dated 23 January 2024, the Tribunal informed the claimant that it was considering striking out these claims under Rule 37(1)(a) of the Tribunal Rules of Procedure on the basis that the claims had no reasonable prospects of success. The claimant was given the opportunity, as required by Rule 37(2), to object to this or to seek a hearing to put forward her objections in person. A period of 14 days from the letter of 23 January 2024 was given for the claimant to respond.
6. No response has been received from the claimant. The Tribunal considers that the claims for notice pay and redundancy pay do not have reasonable prospects of success for the reasons set out above and so these claims are struck out under Rule 37(1)(a).
7. For the avoidance of doubt, the remaining claims for arrears of pay and holiday remain live.

Employment Judge Peter O'Donnell  
Employment Judge

19/2/24  
Date of judgment

20/2/24

**Entered in register  
and copied to parties**