



EMPLOYMENT TRIBUNALS

Claimant:

Mr W Maseke

v

Respondents:

Telefonica Uk Limited (1)
Telefonica (O2) (2)
The Outer Temple (3)
Shoosmiths LLP (4)
Ministry of Justice/Secretary of
State for Justice/Lord or Lady
Chief Justice (5)

JUDGMENT

The claimant's application of 20 February 2024 for reconsideration of my reconsideration judgment of 25 January 2024 is refused.

REASONS

Introduction

1. On 16 February 2024 I submitted for promulgation my decision on applications including what I have described as the claimant's second (24 January 2024) and third (9 February 2024) applications for reconsideration of my original strike out judgment and/or my first reconsideration judgment.
2. On 20 February 2024 the claimant submitted what is titled "*For both the judgment and order of 25.01.2024: Second Application for Revocation of the Judgement and variation/setting aside etc. of the Order of 25.01.2024 by Employment Judge Anstis, including re-assertion of applications pursuant to the Employment Tribunal Rules of Procedure 2013 - Rule 21, and rule 37.*"
3. The first part of the heading makes it clear that the judgment the claimant has in mind is my judgment of 25 January 2024. That was my first reconsideration judgment. I take the claimant's "*application for revocation of the judgment*" to be an application for reconsideration of the first reconsideration judgment. A separate order addresses the extent to which the claimant's application is for a variation of my order of 25 January 2024.
4. The first reconsideration judgment was promulgated on 8 February 2024, so the claimant's application for reconsideration of that is within time. If it was intended as an application for reconsideration of my original strike out judgment it is out of time. There is no application to extend time and I do not see any basis on which time should be extended.

Case Numbers: 3313184/2020 and others as set out on the attached schedule

5. I think this is the claimant's fourth application for reconsideration of a judgment, and this judgment is my third reconsideration judgment.

The application

6. The claimant talks of the respondents (or some of them) failing to respond to his eighth and ninth claims, and having disobeyed REJ Foxwell's order. That order was revoked by my order of 25 January 2024, so has no ongoing effect.
7. I have found it quite difficult to understand the basis of the reconsideration application by the claimant. It seems to be founded on the idea that some of the respondents did not file a response to either his eighth or ninth claims, and that therefore a rule 21 judgment (contemplated in some of the tribunal's correspondence) should follow. As my first reconsideration judgment made clear, there has been no rule 21 judgment. A rule 21 judgment does not follow automatically from the non-submission of a response and is not something that a claimant is necessarily entitled to. Much of the rest of this part of the claimant's application is taken up with his position on his allegations being a matter of public interest. I have addressed that in my first reconsideration judgment.
8. The claimant goes on to criticise my non-consideration of his application of 16 January 2024 (referred to at para 10 of the reasons for my first reconsideration judgment) but the point must remain that any application for a default or rule 21 judgment cannot continue when the claim has been struck out.
9. The claimant also seems to suggest that any striking out should not have extended so far as his eighth or ninth claims. That seems to be a dispute with my original strike out judgment (and would be out of time for any reconsideration) not a dispute with my first reconsideration judgment. The claimant makes points as to whether striking out is a suitable sanction or whether any issues could be dealt with by an unless order. I do not see how the claimant's conduct of the claims could have been dealt with by an unless order, but in any event this is a dispute with my original strike out judgment (and is out of time) and is not about my first reconsideration judgment.
10. Much of the rest of the claimant's application seems to be concerned with the general merits of his claim and his allegations of hacking against various respondents. Those matters have been addressed in previous decisions, and do not seem to be relevant to the question of whether my first reconsideration judgment should be reconsidered.
11. The fourth reconsideration application is refused on the basis that there is no reasonable prospect of the first reconsideration judgment being varied or revoked.

Employment Judge Anstis

Date: 28 February 2024

Judgment and reasons

Sent to the parties on: 12 March 2024

For the Tribunal Office

Case Numbers: 3313184/2020 and others as set out on the attached schedule

SCHEDULE OF CLAIMS

3313184/2020

3306767/2021

3300036/2022

3305682/2022

3302475/2023

3305951/2023

3307733/2023