



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Bhatti

**Respondent:**

1. Pakistan International Airlines Corporation
2. Aftab Jamil Abbasi
3. Taimoor Ali Malik
4. Arshad Malik

## JUDGMENT ON RECONSIDERATION

### Rule 70 the Employment Tribunal Rules of Procedure 2013

1. The claimant's application dated 27 October 2023 for reconsideration of the dismissal judgment sent to parties on 14 October 2023 and to reinstate the claim is refused.

## APPLICATION

2. The Claimant applied, under Rule 71 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (**ET Rules**), for reconsideration of the judgment given in this matter on 19 September 2023.
3. The Claimant's reasons for doing so were as follows:
  - A. His further reflection on the matter,
  - B. An improvement in his health,
  - C. Apparent new evidence,
  - D. His belief in the public interest in the reinstatement of his claim,
  - E. The further actions of the Respondent once the Claimant withdrew his claim,
  - F. The fact that he believes the Respondents have the benefit of an insurance policy relevant to the Claimant's claim, and
  - G. Fairness and Justice.

## REASONS

4. The claim was dismissed under Rule 52 of the ET Rules following a withdrawal from the Claimant on 02 August 2023.
5. Rule 52 of the ET Rules states:

**“52. Where a claim, or part of it, has been withdrawn under rule 51, the Tribunal shall issue a judgment dismissing it (**which means that the claimant may not commence a further claim against the respondent raising the same, or substantially the same, complaint**) unless—**

*(a) the claimant has expressed at the time of withdrawal a wish to reserve the right to bring such a further claim and the Tribunal is satisfied that there would be legitimate reason for doing so; or*

*(b) the Tribunal believes that to issue such a judgment would not be in the interests of justice.*

**[Emphasis Added]”**

6. The Claimant, at the time of withdrawal, failed to express a wish to reserve the right to bring a further claim. Further, the Tribunal is not satisfied that it would be in the interests of justice to reinstate the claim, as the Claimant has not demonstrated why justice requires its reinstatement, and the burden is on him to do so.

## **DECISION**

7. For the above reasons, the Claimant’s application fails.

Employment Judge Ramsden  
Date: 02 February 2024

JUDGMENT ON RECONSIDERATION SENT TO THE PARTIES ON  
6<sup>th</sup> March 2024

FOR THE TRIBUNAL OFFICE