



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr I Vaid

**Respondent:** Royal Mail Group Limited

**Heard at:** East London Hearing Centre (in private; by video)

**On:** 18 March 2024

**Before:** Employment Judge P Klimov (sitting alone)

**Representation:**

**For the Claimant:** Not present or represented

**For the Respondent:** Ms M Brislen, solicitor

## JUDGMENT

1. The correct name of the respondent is Royal Mail Group Limited.
2. The claimant's claim is dismissed for non-attendance (Rule 47 in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013) ("**the ET Rules**").

## REASONS

### ***Background***

1. The claimant has been employed by the respondent, as an Operational Postal Grade (postman) since 1 February 2018. His employment continues. However, the claimant has been on continuing sick leave since 30 March 2023.
2. The claimant presented his claim on 2 September 2023. It appears the claim is for unauthorised deductions from wages and for personal injury. However, due to the paucity of details provided in the claim form, it is impossible to understand the nature and legal basis of the complaints.

3. The claimant ticked boxes "*I am owed*" "*holiday pay*", "*arrears of pay*" and "*other payments*". He also ticked the box "*I am making another type of claim which the Employment Tribunal can deal with*" and stated the nature of the claim as "*Injury/Compensation*", however provided no further details. In box 9.2 ("*What compensation or remedy are you seeking?*") he gave some further narrative, stating that he is owed £38,428 "*in unpaid income*", but without explaining the basis for that, and seeking additional compensation of £110,000 for alleged personal injuries caused by the respondent.
4. The respondent presented a response denying all the claims and seeking further information to understand the basis of the claimant's complaints.
5. As a "short-track" claim it had originally been listed for a final hearing on 5 February 2024, at 14:00. However, on 1 December 2023, Employment Judge Povey, on the respondent's application, converted the final hearing to a preliminary hearing by video for case management ("**PH**").
6. On 9 January 2024, upon the claimant's application, Regional Employment Judge Burgher postponed the PH to the today's date. The Notice of Hearing and Agenda was sent to the parties on the same day. The Notice included an order:  
  
*"An agenda for the hearing is attached. You must fill it in and return it to the Tribunal, with a copy to the other side, seven days before the hearing"*.
7. On 15 February 2024, the Legal Officer Ali wrote to the parties:  
  
*"I write in advance of the preliminary hearing listed in this matter on the 18 March 2024 at 10am. Can the parties please confirm to the email address above on or before the 23 February 2024 that they will be ready to proceed with the hearing"*.
8. On 16 February 2024, the claimant responded as follows:  
  
*"Good morning.  
I am ready to proceed for hearing on 18 March.  
& can u update my new home address please.  
48 Richard House drive  
E16 3RF  
London  
Many thanks  
Imran"*
9. The joining instructions for the hearing were sent to the parties on Friday, 15 March 2024 at 15:33.
10. There was no application from the claimant to postpone the hearing. There was no further correspondence from the claimant to the Tribunal since his email of 16 February 2024.

11. The respondent sent its completed Agenda for the hearing. The claimant did not send his Agenda.
12. The respondent joined the hearing at 10am. The claimant did not join the hearing.
13. At 10:09 the clerk called the claimant. The claimant did not answer the call. The clerk left a voice message telling the claimant to join the hearing as soon as possible.
14. The claimant did not join the hearing or returned the call.
15. I instructed the clerk to email the claimant with the following message:  
  
*“Employment Judge Klimov has instructed me to write to you to remind you that you were expected to join the hearing today at 10am. You have failed to do so. The Tribunal clerk tried calling you, but you did not answer the phone. The clerk left you a voice message.  
If you do not join the hearing by 10:45am, the hearing will proceed in your absence, your claim is likely to be dismissed and you may be ordered to pay the Respondent's costs.”*  
  
which he did at 10:33am
16. The claimant did not respond the clerk’s email.
17. I started the hearing at 10:48am. The claimant did not join the hearing.
18. I asked Ms Brislen to make representations on behalf of the respondent.
19. Ms Brislen said that the respondent had received no correspondence from the claimant with respect to the today’s hearing. The claimant did not provide any comments on the respondent’s agenda, or otherwise engaged with the respondent with respect to his claim. Ms Brislen said that it appeared that the claimant was not actively pursuing the claim and suggested that an unless order was made to order the claimant to confirm if he was still pursuing his claim.
20. First, I considered whether the hearing should proceed in the claimant’s absence and decided against that. In his absence it was not possible to progress the case any further. The claim is unclear and confusing. It cannot be sensibly responded to without the claimant clarifying on what basis he advances his complaints. Furthermore, it appears that part of the claimant’s claim is for personal injury, which the Tribunal does not have jurisdiction to consider.
21. I then considered whether I should re-list the PH for a later date and give case management orders for the claimant to clarify his claim. I decided that in the absence of any apparent good reason or explanations from the claimant for non-attendance of this hearing, his general lack of engagement with his claim, it would be a waste of the Tribunal’s time and resources to list another preliminary hearing, which the claimant may or may not attend. A re-listed PH would also mean further unnecessary costs for the respondent, it would be

unlikely to be able to recover from the claimant. I, therefore, concluded that it would not be in accordance with the overriding objective to re-list the PH for a later date.

22. Equally, considering the lack of engagement by the claimant with his claim, his failure to complete the Agenda for the hearing, his non-attendance of this hearing, I had no confidence that ordering the claimant to provide further information to clarify his claims would result in anything other than further delay and costs.
23. Responding to Ms Brislen suggestion, I decided that an unless order would not serve any meaningful purpose. If I were to order the claimant to confirm by a certain date that he was actively pursuing his claim on pain of his claim being dismissed, the claimant confirming that would not mean that he actually was or would be actively pursuing his claim. As things stand, it appears that not to be the case.
24. I then considered whether sending a strike out warning letter to the claimant would be an appropriate step to take. On balance, I decided against that. Whilst that option would give the claimant an opportunity to explain why his claim should not be struck out for unreasonable conduct, breach of the Tribunal's orders, or as not being actively pursued, it would also mean generating further delay in the process, additional costs on the respondent and extra burden on limited Tribunal resources. In the circumstances where, as it appears to me, the claimant is not engaged with his claim, despite the claim being in the system since September 2023, I decided that it would not be in the interests of justice to prolong this state of affairs.
25. It was open for me to consider whether the claimant's claim should be dismissed under Rule 47<sup>1</sup> of the ET Rules. Accordingly, I turned my mind to that question.
26. I was satisfied that every reasonable attempt had been made to make the claimant to join the hearing. The claimant was warned of the likely consequences of him not attending the hearings. The claimant was given sufficient extra time to join the hearing. He made no attempts to do so.
27. The claimant's claim remains unclear and cannot be progressed any further. The claimant is in default of the Tribunal's orders, and it appears to me that he is not willing to properly engage in the process despite him saying that he was ready for the hearing. I considered possible alternative steps and for the reasons explained above decided against them.
28. Therefore, considering all the above matters in the round, I decided that it would be in accordance with the overriding objective to exercise my power under Rule

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<sup>1</sup> **47. Non-attendance**

If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.

47 of the ET Rules and dismiss the claimant's claim for non-attendance of the hearing.

29. Although this decision disposes of the claimant's claim, he can still apply for a reconsideration of my judgment pursuant to Rules 70-73 of the ET Rules, if he considers there were good reasons for his non-attendance, or it is otherwise necessary in the interests of justice to reconsider the dismissal of his claim.

**Employment Judge P Klimov  
Dated: 18 March 2024**