# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Lasdas

**Respondent:** Venturi Limited (1)
Caution Your Blast Ltd (2)

# JUDGMENT

1. The Claimant's application dated 13 March 2024 (consolidating various pieces of correspondence from the Claimant sent between 5 and 8 March 2024) for reconsideration of the judgment sent to the parties on 5 March 2024 is refused.

# REASONS

1. I have undertaken preliminary consideration of the Claimant's application for reconsideration of the judgment awarding costs against him. That application is contained in an email dated 13 March 2024 in which the Claimant says: "*I don't know if you have received my emails which I sent starting from the 5th until the 8th of this month, the first one just minutes after I received your Judgment. They are all seen below this email, in reverse chronological order. I hadn't added your name and a header in those emails, thus I am resending them because there is a deadline that is approaching fast and I cannot risk the chance that my emails were not delivered to you because of the aformentioned oversight of mine*."

**The Law**

2. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 70).

3. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.

4. The importance of finality was confirmed by the Court of Appeal in **Ministry of Justice v Burton and anor [2016] EWCA Civ 714** in July 2016 where Elias LJ said that:

*"the discretion to act in the interests of justice is not open-ended; it should be exercised in a principled way, and the earlier case law cannot be ignored. In particular, the courts have emphasised the importance of finality (Flint v Eastern Electricity Board [1975] ICR 395) which militates against the discretion being exercised too readily; and in Lindsay v Ironsides Ray and Vials [1994] ICR 384 Mummery J held that the failure of a party's representative to draw attention to a particular argument will not generally justify granting a review."*

5. Similarly in **Liddington v 2Gether NHS Foundation Trust EAT/0002/16** the EAT chaired by Simler P said in paragraph 34 that:

*"a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or by adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered."*

6. In common with all powers under the 2013 Rules, preliminary consideration under rule 72(1) must be conducted in accordance with the overriding objective which appears in rule 2, namely to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.

**The Application**

7. In his reconsideration application the Claimant:

a) argued that the Second Respondent's solicitor had been irresponsible in handling his clients' money by incurring counsel fees for the final hearing in December 2023;

b) said there was no proof that counsel fees were in fact paid over to counsel by the Second Respondent;

c) argued that he had not sought a hearing on the Second Respondent's costs application because he did not believe there was any chance of the costs application being successful and he now considers that there should be a hearing, at a Tribunal location close to his home, to be heard by a different judge;

d) asserted that I had not taken into account an email he had sent to the Second Respondent;

e) asserted that the Second Respondent had been erroneous in making reference to the Claimant having made a second application for reconsideration of the decision to issue deposit orders;

f) said that he had told the Second Respondent that his application for reconsideration had been rejected;

g) asserted that the Second Respondent lied or deliberately distorted the facts in its costs application;

h) said that the Second Respondent's solicitor should have complained to the Tribunal that it had not been advised of the outcome of the Claimant's application for reconsideration of the deposit orders issued;

i) asserted that the Second Respondent's solicitor failed to understand the obvious in the Claimant's correspondence and has blamed his own confusion on the Claimant;

j) argued that the Claimant had told everyone that he could not afford even the potential of a warning of costs and had been unemployed for many months and had been clear to the Second Respondent that he had not paid the deposits ordered and was unclear himself as to why his claim had not been struck out and yet the Second Respondent nonetheless threatened him with a costs warning;

k) said that the Second Respondent's solicitor did not make reasonable attempts to phone the Tribunal to get clarity on the position with respect to whether the Claimant had paid the deposits ordered and the Second Respondent had not waited long enough for the Tribunal to answer calls;

l) pointed out that calls charged by the Second Respondent's solicitor had been rounded up to 6 minutes (the common practice among solicitors firms in charging their clients);

m) said that the Second Respondent need not have incurred counsel fees as soon as it did and in fact need not have incurred them at all (the First Respondent not having incurred counsel fees);

n) challenged the decision to issue deposit orders and claimed that the Second Respondent had wasted his time by offering him a job which (although he disputes this) they said they could not ultimately offer him because he was not a UK national;

p) argued that the Tribunal should have struck his claim out immediately after the deadline for payment of the deposits and informed the parties or the Second Respondent should have made a conditional strike out application from the first, the second or the third day after the expiration of the deposit order deadline.

**Conclusion**

8. Having considered all the points made by the Claimant I am satisfied that there is no reasonable prospect of the original decision being varied or revoked. The points of significance were considered and addressed in my judgment awarding the Second Respondents costs. The application for reconsideration is refused.

**Case No: 2408294/2022**

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**Employment Judge Woodhead**

Date 26 March 2024

Sent to the parties on:

5 April 2024

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For the Tribunals Office

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https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/