



EMPLOYMENT TRIBUNALS

Claimant: V Pareek

Respondents: (1) Secretary of State for Justice
(2) Cabinet Office

JUDGMENT

The Claimant's application dated 22 April 2024 for reconsideration of the judgment sent to the parties on 18 April 2024 is refused.

REASONS

1. The Claimant emailed the tribunal on 22 April 2024 attaching an application for reconsideration. He did not appear to copy the same to the Respondents. I have considered it notwithstanding this omission, as although he has not complied with Rule 71, there has been no prejudice to the Respondents. This is because there is no requirement to seek the Respondents' views if under Rule 72 I decide that there is no reasonable prospect of the original decision being varied or revoked.
2. That is indeed my decision in this case, based on the arguments set out in the Claimant's application.

Point One

3. The scope of the hearing was said in the notice of hearing to be. "*To decide whether your claim was presented out of time and, if it was, whether time should be extended for it.*" The hearing was listed prior to the presentation of the Responses. These raised the question of the correct respondent and the prospects of success of some claims.
4. In addition, the question arose at the hearing as to the nature of the claims the Claimant was seeking to bring in relation to the Civil Service Compensation Payment and ill health early retirement and whether these were claims where the tribunal had jurisdiction. It was in the interests of justice to resolve these matters at the hearing and within the Tribunal's powers.
5. Had the Claimant been present, he would have had the opportunity to make the arguments he now makes in his reconsideration application. Because

he was unable to attend to give evidence (due to illness and being in India), I provided a written decision to him with the intention that he could apply for reconsideration. He has done that, but I do not consider his arguments should lead to me revoking or varying my original decision.

Civil Service Compensation and Ill health Retirement

6. The Claimant's argument that the Tribunal has the jurisdiction in connection with the Civil Service Compensation and/or to review the decision made by the Cabinet Office not to award him ill health early retirement are not correct. It is possible that he can bring the claims in another jurisdiction.

Notice Period, Sick Pay, Effective Date of Dismissal and Unfair Dismissal

7. The Claimant is correct that the letter of termination does contradict itself. It says:

"You are entitled to 14 weeks' notice.

You are not required to work your notice period given your current medical position. You are currently on nil pay which will continue throughout this notice period. You will also be paid for any holidays owed but not taken.

Your effective date of dismissal will therefore be 27 April 2023." (61)

8. It cannot be true that the first Respondent was both giving the Claimant notice that his employment would end in 14 weeks (during which time he would be paid nil pay) and that his termination date was 27 April 2023. I interpreted the letter as doing the latter rather than the former, with the result that the Claimant's claim was out of time. This was consistent with what the First Respondent did by way of making termination payments, as set out in the Grounds of Resistance.
9. Significantly 27 April 2023 was also the Claimant gave in his ET1 for when his employment ended, pointing to his belief that this was the date when his employment ended and the date that he should have used for determining the relevant time limit for presentation of any claim.
10. If, which I do not consider was the case given the Claimant's circumstances, I went beyond my powers by determining this without hearing evidence, the result would have been the same had I considered his prospects of success of the claim being held to be in time. I would have decided to strike the relevant claims out because he had no reasonable prospect of success of them being determined to be in time.

Case No: 2216685/2023

Sent to the parties on:

30 May 2024

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For the Tribunals Office