



EMPLOYMENT TRIBUNALS

Claimant: Mr C Fielding

Respondent: Premiserv Limited

Heard at: Manchester by CVP

On: 10 December 2024

Before: Employment Judge Lloyd

Representation

Claimant: In person

Respondent: Mr Hill, Managing Director

JUDGMENT ON PRELIMINARY HEARING

1. The respondent's application to have the claim struck out in terms of rule 37 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 is refused. The claim shall proceed to a hearing.
2. The respondent's position was that the claimant had not particularised his claim.
3. Having considered matters the Tribunal has decided that it would be contrary to the interests of justice to strike out the claim for the claimant's failures now that the claimant has explained the grounds of his claim. The Tribunal concluded that it would be disproportionate to strike out the claims on the facts. There was no suggestion from either party that a fair hearing could not now proceed. Any impact upon the respondent has been minimised by robust case management and moving matters forward. The prejudice to the respondent is not such as to justify the draconian step that strike out would achieve.

4. Case management matters are dealt with in a separate Note. It is important the parties consider the terms of that Note and progress matters without any further delay.

Employment Judge Lloyd
Date: 10 December 2024

JUDGMENT SENT TO THE PARTIES ON
17 December 2024

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

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