



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms S Khade  
**Respondent:** Oxford City Council

**Heard at:** Reading (By CVP) **On:** 10 March 2025

**Before:** EJ Milner-Moore

## Representation

**Claimant:** Did not attend  
**Respondent:** Ms M Sharp (Counsel)

# JUDGMENT

The judgment of the Tribunal is that:

1. The claims are dismissed in their entirety under rule 47 of the Employment Tribunal rules of procedure, the claimant not having attended the hearing on 10 March 2025.

# Reasons

2. This matter was listed for a case management hearing to clarify the claims being brought and make directions for the case to be prepared for a final hearing listed to take place in November 2025. The claimant failed to attend that hearing.

3. Rule 47 of the Employment Tribunal Rules of Procedure 2024 provides:

*“If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim... 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.”*

4. The power in rule 47 must be exercised in accordance with the overriding objective in rule 3 of the Tribunals Procedure Rules. The overriding

objective is to deal with cases fairly and justly. This includes avoiding delay, saving expense and acting proportionately.

5. The Tribunal file shows that the hearing notice for today's hearing had been sent to the claimant by email on 14 November 2024 using the email address provided in her ET1. I am therefore satisfied that the claimant was on notice of the hearing. The Tribunal file did not contain any explanation from the claimant to explain why she had not attended today's hearing and there had been no application by the claimant to postpone the hearing.
6. The Tribunal clerk was directed to contact the claimant on the phonen number provided to establish why she was not in attendance. The claimant did not answer her phone and so a message was left. A further attempt was made to telephone her approximately 5 minutes later but, again the call went unanswered.
7. Ms Sharp, for the respondent, explained that the claimant had not been actively engaging in the litigation for many months. The respondent had received no contact from her since July 2024. She noted that the Tribunal had ordered the claimant to produce a schedule of loss by 12 December 2024. The claimant had failed to comply with that order. She had not responded to emails sent by the respondent in December 2024 reminding her of the order and the need to comply with it. Nor had she responded to an email sent by the respondent on 27 February 2025 seeking to agree an agenda and list of issues for today's hearing.
8. Ms Sharp invited me to dismiss the claims as I had power to do under rule 47 of the Tribunal's procedure rules or, failing that to strike the case out on grounds of non compliance with directions or of failure actively to pursue the claims.
9. I considered that practicable enquiries had been made to contact the claimant under Rule 47 to establish whether there was any good reason for her non-attendance. Having done so there appeared to be no good explanation and I noted that the claimant had not been actively engaging with the litigation.
10. I inferred that the claimant no longer wished to pursue the claim in any active way and I considered that it was proportionate and consistent with the overriding objective to dismiss the claims under rule 47 in light of the claimant's non attendance.

Approved by Employment Judge Milner-Moore

Date 10 March 2025

JUDGMENT SENT TO THE PARTIES ON

22 March 2025

**Notes**

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Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://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**

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