



EMPLOYMENT TRIBUNALS

Claimant: Mr G Virgil

Respondent: TATA Consulting Service Limited

RECONSIDERATION JUDGMENT

1. The Claimant's request for a reconsideration of my order of 3 February 2025 is refused.

REASONS

2. The Claimant request a reconsideration of my costs judgment of 3 February 2025 which was sent to the parties on 27 February 2025. The Claimant's application was made on 12 March 2025 and so I am satisfied that it was made in time.
3. In that judgment I found that the Claimant's conduct was such that I ordered him to pay £1,000 towards the Respondent's legal fees which were wasted by his conduct which led to the final hearing being adjourned.
4. The Claimant has provided a four-page document in which he sets out the grounds for reconsideration. These are essentially the same as his submissions as to why I should not make the order in the first place.
5. The first section raised is my 'Mischaracterisation of [the Claimant's] Conduct. Within this section he deals with a number of issues:
 - 5.1 Paragraph 12 – The Claimant does not accept my findings in relation to his allegations of tampering. I find that there is nothing within his submissions which would cause me to change my mind, or to take a view that there are reasonable prospects of the judgment being varied or revoked.
 - 5.2 Paragraph 13 – The Claimant complains that any alleged lack of engagement from him is factually incorrect. With respect to the Claimant, this paragraph did not find that he failed to engage. It found that his allegations that the Respondent failed to engage were not made out. I found that the Respondent was engaging with the process. Therefore, on

this point there are no reasonable prospects of the judgment being varied or revoked.

- 5.3 Paragraph 14 – The Claimant says that he never objected to a chronological bundle. He objected to a “flawed, duplicative and misrepresentative bundle”. That is not the position taken by the Claimant at the hearing. He said that that he wanted a thematic bundle and did not want a chronological bundle. Again, I find that there are no reasonable prospects of the judgment being varied or revoked on this point.
- 5.4 Paragraph 15 – This simply repeats his previous submissions and does not show any reasonable prospects of the judgment being varied or revoked on this point.
- 5.5 Paragraph 16 – The Claimant says that it was grossly unfair to find that he was “uncooperative”. In this paragraph of my judgment I found that his behaviour met the threshold for unreasonable behaviour. I did this after taking everything in the round. I did comment that one factor was that he could have been “more cooperative over the bundle”. The Claimant challenges the Tribunal to find “anymore more cooperative than me in this situation”. I would comment that we see much more cooperative parties to litigation on a daily basis. There is nothing raised in the complaint which gives rise to reasonable prospects of the judgment being varied or revoked on this point.
- 5.6 Paragraph 18 – The Claimant denies that he was ever warned that the hearing could be vacated because of the bundle issues. He did not object to this allegation when it was made at the hearing or in his written submissions. I am satisfied that the warning was given to him. However, even if such a warning was not given, I would still have found his behaviour to have been unreasonable. Therefore, there are no reasonable prospects of the judgment being varied or revoked on this point.
6. The Second section is entitled Financial Hardship. Within this section the Claimant raises difficulties with paying the sums ordered. When assessing costs, I am not required to take the paying party’s ability to pay into account, although it is a factor that I may take into account when assessing the level of costs to award. In this case I took a broad-brush approach and assessed the reasonable costs at £5,000. I then considered the proportionality assessment, including the Claimant’s ability to pay and made a further reduction to £1,000. I find that there are no reasonable prospects of the judgment being varied or revoked on this point. (As an aside I would note that receiving parties are often prepared to accept payment in affordable instalments and/or to delay payment until the substantive matter has been dealt with. I do not make any order to this extent, but I am sure that the Respondent will take the Claimant’s financial situation into account when deciding whether to enforce the order and, if so, how to enforce it.)
7. The Third Section is entitled “The Respondent’s Strategic Delay Tactics”. This is essentially alleging a conspiracy by the Respondent to deliberately delay matters as a postponement would benefit them. I would note on this point that the

Respondent has paid counsel £20,000 for the adjourned hearing and is going to recover no more than £1,000. I fail to see how they are benefitting from the adjournment. There is nothing in this section which leads me to find that there are any prospects of the order being varied or revoked.

8. When I take all the above in the round, and consider the contents of the conclusion (including the Claimant asking Tribunal staff for help), I remain of the view that my judgment should stand. I find that there are no reasonable prospects of the order being varied or revoked and therefore I dismiss the request for reconsideration.

25 April 2025

Sent to the parties on:
28 April 2025

For the Tribunal Office:

P Wing