



EMPLOYMENT TRIBUNALS

Claimant
Mr T Singh

v

Respondent
Royal Mail Group Ltd

JUDGMENT (RECONSIDERATION)

The claimant's application for reconsideration of the tribunal's judgment and reasons which was sent to the parties on 28 August 2024 is refused under rule 70(2) of the Employment Tribunal Procedure Rules 2024.

REASONS

Introduction

1. There was a 9 day hearing in this case in July 2024. At the end of the hearing, on 15 July 2024, the tribunal told the parties its decision and explained its reasons. The judgment of the tribunal was that the claimant's complaints of disability discrimination and unfair dismissal failed and were dismissed.
2. At the hearing the claimant asked for the reasons to be sent in writing. The written judgment and reasons was dated 13 August 2024 and was sent to the parties on 28 August 2024.
3. The claimant made an application for reconsideration of the judgment in an email sent on 10 September 2024 and copied to the respondent's representative.
4. The application for reconsideration was in time, because it was sent within 14 days of the date the tribunal sent the judgment and reasons to the parties. Regrettably, tribunal administration overlooked the claimant's application of 10 September 2024. It was only referred to me on 23 April 2025, after the claimant sent a chasing email on 14 April 2025.
5. I considered under rule 70(2) whether the claimant's application for reconsideration discloses a reasonable prospect of the judgment being varied or revoked. In accordance with paragraph 6 of the Senior President of Tribunals' Practice Direction on Panel Composition in the Employment

Tribunals and Employment Appeal Tribunal (2024), I considered this alone, without the tribunal members.

The rules on reconsideration

6. Rule 68 of the Employment Tribunal Procedure Rules 2024 says:

“(1) The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.

(2) A judgment under reconsideration may be confirmed, varied or revoked.

(3) If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so the Tribunal is not required to come to the same conclusion.”

7. The rule allows reconsideration only where reconsideration is necessary in the interests of justice. This reflects the public interest in the finality of litigation. The reconsideration process is not an opportunity for a party to seek to reopen matters which the tribunal has determined without any basis for doing so. There must be some basis for reconsideration.

8. Rule 69 explains when an application for reconsideration must be made:

“Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—

(a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or

(b) the date that the written reasons were sent, if these were sent separately.”

9. Rule 70 explains the process to be followed on an application for reconsideration under rule 69. It says:

“(1) The Tribunal must consider any application made under rule 69 (application for reconsideration).

(2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.

(3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.

(4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.

(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application."

Conclusions on the claimant's application

10. Rule 70(2) requires me to consider whether there is any reasonable prospect of the original decision being varied or revoked. I must decide whether there is any reasonable prospect of a conclusion that variation or revocation of the original decision is necessary in the interests of justice.
11. The claimant's application is set out in a 3 page document which was attached to his email of 10 September 2024.
12. In paragraph 10 of his application the claimant says that the court mentioned during the hearing that a comment by Mr Iqbal was an act of harassment. That is not correct. We found that the alleged comments by Mr Iqbal were not made (paragraphs 74 and 77 of the judgment and reasons). The complaints that Mr Iqbal had harassed the claimant failed for that reason.
13. In paragraph 19 of his application the claimant says that the respondent accepted that he had a disability under the Equality Act from July 2018. That is correct. We recorded this at paragraph 128 of the judgment and reasons. We went on to explain why other essential elements of the legal tests for disability discrimination were not met, and why the various claims of disability discrimination did not succeed.
14. In his other points, the claimant relies on factual matters as his reason for requesting reconsideration. I have read and considered the claimant's application in full, but for reasons of proportionality I have not set out here a response to every paragraph. In summary, the claimant says that we should have made different findings of facts, or that the facts should have led us to reach to different conclusions.

15. We explained our findings of fact in our reasons. Our findings were made on the balance of probabilities after we heard and weighed up the evidence and considered submissions by the parties. In our findings of fact, we did not summarise all the evidence we heard and read during the hearing. Rather, we focused on and made findings on those aspects which were most helpful to us to decide the issues of dispute between the parties. We explained the legal tests we had to apply, and how we had applied those tests to the facts to reach our conclusions. It is not open to the claimant to challenge our decision on the basis that he does not agree with our findings of fact. The claimant's challenges to the conclusions we reached based on those findings does not suggest any error such that it would be in the interests of justice to reconsider the judgment.
16. There is no reasonable prospect of variation or revocation of the original decision. None of the claimant's assertions about the evidence or about the tribunal's findings of fact and conclusions provide a basis for reconsideration of the judgment.
17. The claimant's application for reconsideration is therefore refused under rule 70(2).

Approved by:

Employment Judge Hawksworth

Date: 21 May 2025

Sent to the parties on: 27 May 2025

For the Tribunal Office