



EMPLOYMENT TRIBUNALS

Claimant: Mr R Gilbert

**Respondent (1): Rullion Limited
Respondent (2): E.ON UK Plc**

Heard In Sheffield by video

ON: 29 April 2025

BEFORE: Employment Judge Brain

REPRESENTATION:

**Claimant: In person
Respondent (1): Mr J Anderson, Counsel
Respondent (2): Ms R Senior, Counsel**

JUDGMENT AT PRELIMINARY HEARING

The Judgment of the Employment Tribunal is that:

1. The complaint of unfair dismissal brought by the claimant against the first respondent pursuant to section 98 of the Employment Rights Act 1996 was presented outside the limitation period in section 111 of the 1996 Act when it was reasonably practicable to have done presented it in time. Accordingly, the Tribunal has no jurisdiction to consider the claim.
2. The complaint against the first respondent brought by the claimant of unfair dismissal for having made a protected disclosure brought pursuant to section 103A of the 1996 Act was presented outside the limitation period in section 111 of the 1996 Act when it was reasonably practicable to have presented it in time. Accordingly, the Tribunal has no jurisdiction to consider the claim.
3. The claimant's complaint against the first respondent of direct discrimination by dismissing the claimant brought pursuant to sections 13 and 39(2)(c) of the Equality Act 2010 was presented outside the limitation period in section 123 of the 2010 Act. It is just and equitable to extend time to 10 June 2025 in case number 1809760/2024 and to 23 August 2025 in case number 1809747/2024 to vest the Tribunal with jurisdiction to consider the claims.
4. The complaints of direct disability discrimination brought by the claimant against the second respondent pursuant to sections 13 and 39(2)(d) of the 2010 Act (identified in paragraph 5.3 of Employment Judge Ayre's case management

order sent to the parties on 23 January 2025 (*the Order*)) were presented outside the limitation period in section 123 of the 2010 Act. It is not just and equitable to extend time and accordingly the Tribunal has no jurisdiction to consider the complaints.

5. The complaint of harassment brought by the claimant against the first respondent pursuant to sections 26 and 40 of the 2010 Act identified in paragraph 6.1.1 of the Order was presented outside the limitation period in section 123 of the 2010 Act. It is just and equitable to extend time to vest the Tribunal with jurisdiction to consider the complaint.
6. The complaints brought by the claimant against the second respondent of harassment pursuant to sections 26 and 40 of the 2010 Act identified in paragraph 6.2 of the Order were presented outside the limitation period in section 123 of the 2010 Act. It is not just and equitable to extend time and accordingly the Tribunal has no jurisdiction to consider the claims.
7. It cannot be said that the complaints brought by the claimant against the first respondent identified in paragraphs 3 and 5 of this Order have no reasonable prospect of success. Accordingly, the respondent's application that the claims be struck out pursuant to Rule 38(1)(a) of the Employment Tribunal Procedure Rules 2024 is refused.
8. It cannot be said that the claims identified in paragraphs 3 and 5 of this Order have little reasonable prospect of success. Accordingly, the first respondent's application for an Order to be made pursuant to Rule 40 of the 2024 Rules that the claimant pay a deposit as a condition of being permitted to continue with them is refused.

Approved by Employment Judge Brain

Date: 3 May 2025.

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:

**Case Number: 1809760/2024
1809747/2024**

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