



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Jai Kumar

**Respondent:** NCG

**Heard at:** Newcastle upon Tyne (by CVP) **On:** 17 December 2025

**Before:** Employment Judge Heather

## REPRESENTATION:

**Claimant:** no attendance

**Respondent:** Ms K Adams (solicitor)

## PRELIMINARY HEARING IN PUBLIC JUDGMENT

The judgment of the Tribunal is as follows:

### Dismissal of claim

1. The claim is dismissed.

## REASONS

### Background

2. The hearing was due to start at 10am. I delayed the start of the hearing until 10:30am to give me sufficient time to read all of the relevant information in the hearing bundle.
3. The respondent's representative attended the hearing in good time. The claimant did not attend the hearing.

4. There was no record of the claimant having attempted to contact the Tribunal by email or telephone about today's hearing.
5. Today's hearing date was set at the case management hearing on 28 July 2025. The case management order was sent to the parties on 19 August 2025.
6. The claimant made an application to amend his claim and provided evidence in relation to the issue of time, in accordance with the case management orders made at the hearing on 28 July 2025. Details of how to connect to today's hearing were sent to the parties yesterday.
7. The claimant did not include a telephone number on his claim form. There was a telephone number for the claimant referred to in an email that was in the bundle. A Tribunal clerk attempted to telephone the claimant but the call would not connect.
8. The respondent's representative told the Tribunal that she had no information about the claimant's non-attendance today but said that a copy of the bundle for today's hearing had been sent to the claimant by email last week.

#### Relevant law and legal principles

9. Rule 47 of The Employment Tribunal Procedure Rules 2024 (the Rules) provides:

*"If a party fails to attend or to be represented at a hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence."*
10. The overriding objective set out in Rule 3 of the Rules is that the Tribunal must deal with cases fairly and justly.
11. Rule 30 of the Rules gives the Tribunal a general power to make case management orders.
12. Rule 41 of the Rules provides that:

*"The Tribunal may regulate its own procedure and must conduct any hearing in the manner it considers fair, having regard to the overriding objective."*

#### Decision and reasons

13. I am satisfied that the claimant was aware of today's hearing as he was told the date at the previous hearing, received and complied with other orders in the

case management order, received a copy of the bundle from the respondent's representative last week and received the hearing link yesterday.

14. I do not have any information about the reason that the claimant has not attended today's hearing. Therefore, I cannot conclude that there is a good reason for the claimant not attending today's hearing.
15. I have considered whether it would be appropriate to proceed with today's hearing in the claimant's absence. I have concluded that it would not be appropriate to do so as there is a lot of information outstanding about the claimant's claim against the respondent which would need to be clarified before the Tribunal could make decisions about the amendment application, time issues, deposit orders and general case management.
16. I have also considered whether it would be appropriate to adjourn today's hearing. I have concluded that it would not be appropriate to do so as I do not know the reason why the claimant has not attended today and therefore I do not know if he would attend an adjourned hearing or not. It would be prejudicial (both in time and financially) to the respondent to have to prepare for and attend a further hearing that may not be effective. It would be an inefficient use of the Tribunal's resources to allocate further hearing time to this matter when the reason for the claimant not attending today's hearing is not known. The Tribunal must allocate its hearing resources fairly to all Tribunal users.
17. Because I have decided not to proceed with the hearing in the claimant's absence and because I have decided not to adjourn today's hearing, the claim is dismissed.

**Approved by:**  
**Employment Judge Heather**  
**17 December 2025**

**Note**

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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