



EMPLOYMENT TRIBUNALS

Claimant: Mr Ravichandran Venugopal

Respondent: One Stop Stores Limited

Heard at: Watford Employment Tribunal CVP **On:** 20 January 2026

Before: Employment Judge Young

Representation

Claimant: Litigant in person

Respondent: Ms Helena Ifeka (Counsel)

Interpreter: Ms Pakiyalxmi Pathmanathan (language Tamil)

REFUSAL OF STRIKE OUT JUDGMENT

Acting in accordance with rule 38(1) of the Employment Tribunals Procedure Rules 2024, the Tribunal refuses the Respondent's application to strike out the Claimant's claim on the grounds that there is no reasonable prospect of success.

REASONS

1. On 18 June 2025, the Respondent made an application to strike out the Claimant's claim. The basis of the Respondent's application is that at the case management preliminary hearing on 7 February 2025, the Claimant admitted that there was no factual basis to his complaints of discriminatory unfair dismissal on the grounds of race and his complaint of automatic dismissal by reason of public interest disclosure. The Respondent refers to Employment Judge Wood's 22 February 2025 case management orders [42], which state at paragraph 9, "*The claims and issues, as discussed at this preliminary hearing, are listed in the Case Summary below. If you think the list is wrong or incomplete, you must write to the Tribunal and the other side by 6 March 2025. If you do not, the list will be treated as final unless the Tribunal decides otherwise.*" [43] The Claimant did not write to the Employment Tribunal to amend the list of issues by 6 March 2025.
2. Employment Judge Wood recorded issues in relation to the Claimant's ordinary unfair dismissal claim only.

3. Employment Judge Wood also recorded in the case management order at paragraph 5, *“The claimant started by suggesting that he wished to bring claims for unfair dismissal, direct race discrimination, race related harassment and race related victimisation, as well as detriment arising from protected disclosures. The claimant conceded that save for unfair dismissal, the claims were not viable. He accepted that none of the matters he had raised were the result of racial motivation. The claimant also accepted that none of the matters he had raised were capable of amounting to protected disclosures as defined by section 43B of the Employment Rights Act 1996. The claimant agreed with me that this was simply an unfair dismissal claim, and that other matters were relevant background.”* [43]
4. I heard submissions from both parties. In essence, the Respondent repeated their application as set out in their letter to the Employment Tribunal dated 18 June 2025. Ms Ifeka added that the Claimant had received advice from his union that indicated that he would not be successful in his dismissal complaints, including race and whistleblowing, and they had the documentation. The Claimant withdrew his whistleblowing complaint, so it was dismissed.
5. I was referred to the law regarding strike outs, and I consider the law in respect of no reasonable prospect of success strike outs concerning rule 38(1) (a) of the Employment Tribunal Procedure Rules 2024, *“that is scandalous, or vexatious or has no reasonable prospect of success”*.
6. The case law warns Employment Tribunal that caution should be exercised if a case has been badly pleaded, for example, by a litigant in person whose first language is not English. (See Judge Eady at paragraph 21 Mbiusa v Cygnet Healthcare Ltd UKEAT/0119/18 (7 March 2019, unreported)). This is exactly the situation in this case. HHJ Eady adds that *“taking the case at its highest may well ignore the possibility that it could have a reasonable prospect of success if properly pleaded”* (see paragraph 21). In summary in Mbiusa v Cygnet Healthcare Ltd UKEAT/0119/18 (7 March 2019, unreported) HHJ Eady held that in view of the lack of clarity as to the claimant's arguments, the proper course of action would be to establish more precisely what the claimant was arguing, if necessary make amendments and then, if still in doubt about chances of success, make a deposit order.
7. As Simler J explained in Zeb v Xerox (UK) Ltd UKEAT/0091/15 (24 February 2016, unreported), *“the question of what inferences to draw forms part of the critical core of disputed facts in any discrimination case”* (see paragraph 21), as do the Respondent's explanations for alleged less favourable treatment and investigation of this is required (see paragraph 23)
8. Crucially, Employment Judge Wood added at paragraph 6 of the case management order that *“I have not dismissed the other causes of action today. I promised that I would give the claimant time to go away and consider what we had discussed and to offer his views on the list of issues below. A judgment can be entered in respect of the other matters on the next occasion.”* [43]. The Claimant did go away, and he consulted lawyers but was not able to get advice as he could not afford them. The Claimant instead did his own legal research using AI to assist him. The Claimant did eventually write in to say that he wished to pursue his claims.

9. In the process of considering this application, the lack of clarity of the Claimant's complaint has been made clear multiple times, even with an interpreter. There was a conversation about whether there was a victimisation complaint where the Claimant was unable to provide the information setting out its basis, for example, only for the Claimant to clarify the basis in his submissions. It seems to me that the case law warns me against this exact situation in respect of the Claimant's race discrimination and victimisation complaints. It is for those reasons that I do not strike out these complaints.
10. In respect of the Claimants' unfair dismissal complaint, it appears that the Claimant complains in his claim of unfair treatment in respect of his dismissal and appeal, as well as the investigation not being conducted fairly, nor considering valuable points or documents. Ms Ifeka referred me to the appeal letter, but as having dealt with the points that the Claimant says in his claim form were not dealt with. However, without investigating the Claimant's complaint, it is not possible for me to determine that when the Claimant's complaint is put at its highest. In those circumstances, whether the appeal decision I was referred to did consider all the Claimant's points or dealt with them fairly is a question for the trial Employment Tribunal, not for me. It is for that reason that I do not strike out the Claimant's case. It is therefore not fair to say that the Claimant's complaint has no prospects of success.

Approved by Employment Judge Young

Dated 20 January 2026

Sent to the parties on: 3 February 2026

For the Tribunal Office

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