



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Arsalan Ahmad

**Respondent:** Mackenzie & Co Solicitors

## JUDGMENT

The complaints of (1) detriment and/or dismissal due to exercising rights under the Public Interest Disclosure Act and (2) failure to make a redundancy payment are struck out.

## REASONS

### *(1) Whistleblowing complaints*

1. The Tribunal wrote to the claimant on 31 July 2025 seeking further information as to the basis for the claimant's whistleblowing complaints – specifically, identification of the protected disclosures relied upon. A 21-day period for responding was given. No response was received from the claimant.
2. The Tribunal wrote again to the claimant on 21 November 2025 warning him that the Tribunal was considering striking out the whistleblowing complaints. This was because it appeared to the Tribunal, applying Rule 38 of the Employment Tribunal Procedure Rules 2024, that an order of the Tribunal had not been complied with and the complaints were not being actively pursued.
3. The letter gave the claimant an opportunity to explain why the complaints should not be struck out. A 21-day period for responding was given. No response was received from the claimant.
4. I am satisfied that the grounds for striking out the claim under Rule 38 apply and that it would be in accordance with the overriding objective in Rule 3 to strike out the claim. This is because despite being offered two separate opportunities to comply with the Tribunal's directions of 31 July 2025, the claimant has failed to do so. The claim has now been proceeding for 14 months since it was presented, yet the necessary particulars have not been provided. It is more likely than not that this lack of engagement will continue, which would render a fair hearing of the complaints in December 2026 impossible.

5. The whistleblowing complaints are therefore struck out.

*(2) Redundancy payment*

6. In his ET1 claim form the claimant ticked the box claiming the right to a redundancy payment.

7. Section 155 of the Employment Rights Act 1996 says that employees do not have the right to a redundancy payment unless they have been employed for two years or more.

8. The claimant was employed by the respondent for less than two years. Therefore, the claimant does not have the right to a redundancy payment.

9. The claimant was given the opportunity by the Tribunal's letter of 20 March 2025 to explain why the claim for a redundancy payment should not be struck out but did not respond to that letter.

10. Accordingly, the claim for a redundancy payment is struck out.

*Other complaints*

11. This judgment does not affect the claimant's other complaints, as to which the Tribunal will write separately.

Approved by:

**Employment Judge Abbott**

Date: **28 April 2026**

JUDGMENT SENT TO THE PARTIES ON

30 April 2026

Anthea Simpson  
FOR THE TRIBUNAL OFFICE