



EMPLOYMENT TRIBUNALS

Claimant: D Vundla

Respondent: Transport for London

JUDGMENT

The claim is struck out.

REASONS

1. In this claim the claimant brings complaints of unfair dismissal and race discrimination. The claim is listed for a final hearing on 14-15 July 2026.
2. The Tribunal wrote to the claimant on 19 March 2025 warning him that the Tribunal was considering striking out the complaint of unfair dismissal because the claimant did not appear to have the right to bring such a claim (section 108 Employment Rights Act 1996). A period of 21 days was provided for the claimant to respond in writing to that warning. No response was received.
3. A preliminary hearing for case management was listed to take place at 2pm on 21 January 2026. The claimant did not attend, despite a voicemail and email from the Tribunal clerk reminding him about the hearing. In his absence the claimant was directed by EJ Tueje to take various steps, including:
 - a. By 11 February 2026, responding to the respondent's request for further information and to the Tribunal's letter of 19 March 2025; and
 - b. By 11 March 2026, providing a schedule of loss to the respondent and to the Tribunal.
4. The final page of EJ Tueje's orders notes that "*Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 38; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rules 72-82.*"
5. On 9 March 2026, the respondent applied for strike-out of the claim on the basis that the claimant had failed to comply with EJ Tueje's order in

respect of the steps required to be taken by 11 February 2026, and that the claim has not been actively pursued.

6. I can also see on file that the claimant has not submitted a schedule of loss to the Tribunal as ordered to do by 11 March 2026.
7. The respondent's application was copied to the claimant, meaning (as of today) they have had 7 weeks to make written representations in response or to request a hearing at which to make them. No response has been received. I am satisfied the claimant has had a reasonable opportunity to make representations in relation to the strike-out that is sought.
8. 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 (1) it is clear that the unfair dismissal complaint has no reasonable prospects for the reasons set out in the Tribunal's letter of 19 March 2025 (which have not been rebutted by the claimant), and (2) in respect of the remaining complaints, the claimant's failure to actively pursue the claim and his failure to comply with orders of the Tribunal means it is no longer possible for a fair hearing to take place in July 2026 as scheduled. Information that is necessary for the respondent (and the Tribunal) to understand the basis of the claim has not been provided, rendering it impossible for disclosure and evidence to be properly prepared. Given the claimant's failure to engage with the Tribunal process at any point since presenting his claim in November 2024, it is more likely than not that this pattern of non-engagement would continue if further chances were to be afforded to the claimant. This, in any event, would necessitate adjourning the current final hearing listing, which is not in the interests of justice or consistent with the overriding objective.
9. The claim is therefore struck out.
10. The hearing on 14-15 July 2026 will not take place.

Approved by:

Employment Judge Abbott

Date: **28 April 2026**