



EMPLOYMENT TRIBUNALS

Claimant: Ms Jagdish Gill

Respondent: Ms Sara Beheshti

Heard at: Reading ET (by video)

On: 3 March 2026

Before: EJ Milner-Moore

Representation

Claimant: In person

Respondent: Mr. McCavish (solicitor)

JUDGMENT having been sent to the parties on **5 May 2026** and written reasons having been requested in accordance with Rule 60 of the Employment Tribunals Rules of Procedure, the following reasons are provided:

REASONS

Background

1. The claimant has brought two ET claims. The first claim under case number (6003488/2025) was brought against Icon Clinical Research (UK) Ltd ("Icon") the claimant's former employer. It advanced claims of unfair dismissal, unlawful deduction of wages and/or wrongful dismissal/breach of contract. The second claim (6003443/2025) was brought against Sara Beheshti, an employee of Icon, who took the decision to dismiss the claimant. The claims brought against Ms Beheshti were claims of unfair dismissal, breach of contract, unlawful deduction from wages and direct discrimination on grounds of race and/or religion. I issued a judgment in the second claim striking out the claims of unfair dismissal, breach of contract and unlawful deduction from wages against Ms Beheshti. I did so because these are all claims that can only be brought against an individual's employer and Ms Beheshti was not the claimant's employer.
2. The power to strike out a case is set out in rule 38 of the Tribunal's procedure rules.

38.—(1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds—

(a) that it is scandalous or vexatious or has no reasonable prospect of success;

....

(2) A claim, response or reply may not be struck out unless the party advancing it has been given a reasonable opportunity to make

representations, either in writing or, if requested by the party, at a hearing.

3. In applying rule 38, I had regard to the principles established in case law in relation to the approach to be adopted when considering an application to strike out complaints of discrimination on the grounds that they have no reasonable prospects of success.
 - a. A complaint of discrimination should not be struck out for having no reasonable prospects of success save in the most plain and obvious cases. Discrimination claims are usually fact sensitive and their proper determination, following a full hearing at which the facts can be carefully considered, is a matter of high public interest (**Anyanwu and another v South Bank Student Union** and another [2001] W.L.R. 638].
 - b. It would only be in an exceptional case that it would be appropriate to strike out a case where the central facts are in dispute.
 - c. The EAT's judgment in **Cox v Adecco** [UKEAT/0339/19/AT (V)] helpfully summarises the core principles that should inform consideration of an application to strike out as follows:

"28. From these cases a number of general propositions emerge, some generally well- understood, some not so much:

- (1) No-one gains by truly hopeless cases being pursued to a hearing;*
- (2) Strike out is not prohibited in discrimination or whistleblowing cases; but especial care must be taken in such cases as it is very rarely appropriate;*
- (3) If the question of whether a claim has reasonable prospect of success turns on factual issues that are disputed, it is highly unlikely that strike out will be appropriate;*
- (4) The Claimant's case must ordinarily be taken at its highest;*
- (5) It is necessary to consider, in reasonable detail, what the claims and issues are. Put bluntly, you can't decide whether a claim has reasonable prospects of success if you don't know what it is;*
- (6) This does not necessarily require the agreement of a formal list of issues, although that may assist greatly, but does require a fair assessment of the claims and issues on the basis of the pleadings and any other documents in which the claimant seeks to set out the claim;*
- (7) In the case of a litigant in person, the claim should not be ascertained only by requiring the claimant to explain it while under the stresses of a hearing; reasonable care must be taken to read the pleadings (including additional information) and any key documents in which the claimant sets out the case. When pushed by a judge to explain the claim, a litigant in person may become like a rabbit in the headlights and fail to explain the case they have set out in writing;*
- (8) Respondents, particularly if legally represented, in accordance with their duties to assist the tribunal to comply with the overriding objective and not to take procedural advantage of litigants in person, should assist the tribunal to identify the documents in which the claim is set out, even if it may not be explicitly pleaded in a manner that would be expected of a lawyer;*
- (9) If the claim would have reasonable prospects of success had it been properly pleaded, consideration should be given to the possibility of an amendment, subject to the usual test of balancing the justice of permitting or refusing the amendment, taking account of the relevant circumstances."*

4. Having heard from both parties and considered relevant principles of law, in

particular the guidance in cases such as **Anyanwu** and **Cox and Adecco**, I considered that it would be appropriate to strike out the claims of ordinary unfair dismissal (under section 98 of the Employment Rights Act 1996), breach of contract, under the Employment Tribunals Extension of Jurisdiction Order 1994 and unlawful deduction from wages (under section 13 of the Employment Rights Act 1996) brought against Ms Beheshti under the second claim. None of these claims could be advanced against Ms Beheshti as she was not the claimant's employer. I therefore considered that these claims had no reasonable prospects of success.

5. I did not consider it appropriate to strike out the complaint of race or religious discrimination in relation to Ms Beheshti's decision to dismiss the claimant. Although little detail of that complaint was provided, the respondent had not sought further information from the claimant and I considered that the claimant should be given an opportunity to provide such further information. I made a direction that she should do so by 24 March 2026.
6. A further preliminary hearing has been listed to consider: whether the claimant should be permitted to amend her claims, whether any of the remaining claims should be struck out either on grounds that they have no reasonable prospects of success or on the grounds that they were brought out of time.

Approved by:

Employment Judge Milner-Moore

9 June 2026

JUDGMENT SENT TO THE PARTIES
ON 11 June 2026

FOR THE TRIBUNAL OFFICE