



EMPLOYMENT TRIBUNALS

Claimant

Mr M Chowdhury

Respondent

Trinity (Estates) Property Management Ltd

Heard at: Watford (CVP)

On: 23 June 2026

Before: Employment Judge S Moore (sitting alone)

Appearances

For the Claimant: In person

For the Respondent: Mr Jagpal, counsel

JUDGMENT

The claim is struck out pursuant to rules 38(1)(b) and/or 47 of the Employment Tribunal Procedure Rules 2024.

REASONS

1. The Claimant was employed by the Respondent as a concierge between 18 March 2024 and 19 April 2024, when he was dismissed for non-attendance and unreliability.
2. ACAS Early Conciliation took place between 30 April 2024 and 7 May 2024.
3. The claim form was lodged on 22 June 2024 making complaints of unfair dismissal, religion and belief discrimination, race discrimination and disability discrimination.
4. A Case Management Preliminary Hearing (CMPH) was listed for 6 March 2025. The Notice of Hearing was sent on 4 December 2024, and the Claimant was ordered to provide further particulars of his disability and discrimination claims by 27 December 2024, together with an impact statement.
5. The Claimant did not comply with this order.
6. The Respondent subsequently made an application to strike out the claim.

7. The Claimant did not attend the CMPH on 6 March 2025. The record of the CMPH records that at 23.42 the day before the hearing, the Claimant had applied to postpone it because of the death of a relative and the fact he would be abroad.
8. The CMPH was adjourned and an order made that the Claimant must provide the particulars required, together with an impact statement by 27 March 2025.
9. By email of 24 March 2025, the Claimant provided some brief information in respect of an alleged disability affecting his ability to walk and use the stairs and said he was treated with less empathy and understanding than the way someone who was not Asian or Muslim would have been treated, however he did not respond to the orders in any detail. The email said he was attaching medical evidence to support the fact of his alleged disability, but no attachments were provided.
10. The adjourned CMPH was relisted for 13 June 2025, but adjourned due to lack of judicial resources until 21 August 2025.
11. The Claimant did not attend the hearing on 21 August 2025 and a judgment was entered, striking out the claim on the grounds of his non-attendance.
12. By email of 27 August 2025 and by letter of 10 September 2025 the Claimant told the Tribunal he had not attended the hearing due to technical difficulties and asked for the judgment to be reconsidered. The judgment was subsequently set aside pursuant to a reconsideration judgment dated 22 January 2026 and a Public Preliminary Hearing was listed for today (23 June 2026) to determine the Respondent's strike out application.
13. At 9.25am this morning the Tribunal received an email from the Claimant stating as follows: 'Due to unforeseen circumstances – emergency incident caused by lightning strike – I have had to be elsewhere and am unable to attend the hearing today. Please can the hearing be re-arranged for a later date?'
14. Shortly before 10am I instructed the clerk to contact the Claimant by both email and telephone and inform him that the judge had seen his message but regarded it as an insufficient explanation for his non-attendance at the hearing, that this was the third occasion on which he had failed to attend a listed Preliminary Hearing, and that he must make himself available to attend the hearing by 11am.
15. Shortly before 11am the clerk confirmed to me that he had both sent the requested email to the Claimant and telephoned him three times, and that while the phone had rung it had not been answered.
16. The Claimant did not attend the hearing at 11am nor send any reply to the clerk's email.
17. As noted above, this was the third occasion on which he had failed to attend a Preliminary Hearing. On the first and (this) third occasion the reason for non-attendance was provided at the eleventh hour with no evidence to support it. On the second occasion the Claimant did not inform the Tribunal of his difficulties joining the hearing until nearly a week afterwards. Given the pattern of non-attendance, I am not satisfied the Claimant's reason for his non-attendance today is genuine.

18. Furthermore, two years after the claim was lodged the claims still remain vague and wholly unparticularized because the Claimant has not properly responded to the Tribunal's orders of 27 December 2024 or 6 March 2025 with the result that the Respondent still does not know exactly what claims it is defending and despite the fact that both it and the Tribunal system have already incurred significant wasted costs.
19. The claim is therefore struck out on the grounds that the manner in which the proceedings have been conducted by the Claimant has been unreasonable pursuant to rule 38(1)(b) and/or for repeated non-attendance pursuant to rule 47 of the Employment Tribunal Procedure Rules 2024.

Approved By:

Employment Judge S Moore

Date:

23 June 2026

Sent to the parties on:

26 June 2026

For the Tribunal:

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