



EMPLOYMENT TRIBUNALS

Claimant: Mr Ahmed Allem

Respondent: Babonbo Ltd

Heard at: London South Employment
Tribunal via CVP

On: 23 and 24 February 2026

Case number: 2300104/2025

Before: Employment Judge M Da Costa (sitting alone)

ATTENDANCE AND REPRESENTATION:

Claimant: In person, unrepresented

Respondent: Ms Doygu Sefa, represented by Mr Wright of counsel

REDACTED JUDGMENT

The judgment of the Tribunal is as follows:

Complaints of unfair dismissal contrary to section 94 of the Employment Rights Act 1996 and pursuant to section 111 of that Act, unauthorised deduction of wages contrary to section 13 of that Act and breach of contract contrary to article 3 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994

1. The claimant's claims are struck out pursuant to rule 38(1)(a) of the Employment Tribunal Procedure Rules 2024 (no prospect of success) because the Tribunal does not have jurisdiction to hear them.
2. Therefore, the claimant's claims are not well founded and are dismissed.

3. The reasons why the Tribunal lacks jurisdiction are:
 - (a) The claims were presented after the end of the three-month period required by section 111(2)(a) of the Employment Rights Act 1996 in relation to unfair dismissal, section 23(2) of that Act in relation to unauthorised deduction of wages, and article 7 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 in relation to breach of contract; and
 - (b) The test in section 111(2)(b) of the Employment Rights Act 1996, section 23(4) of that Act and article 7(c) of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 (namely, that it was “not reasonably practicable” for the complaint to be presented before the end of the period of 3 months beginning with the effective date of termination) was not met, therefore the Tribunal was not permitted to exercise its discretion to extend the time limit.
4. The reasoning for the decision in paragraph 3 immediately above is as follows.
5. Taking into account the time at which the ACAS early conciliation procedure was started and the date on which the ACAS early conciliation certificate was issued, the claims (via a single ET1 form) were presented 4 days after the period required by the provisions mentioned in paragraph 3(b) above had elapsed.
6. The Tribunal made enquiries into the reasons why the claim was presented out of time. The documents in the file showed, and the claimant accepted, the following:
 - (a) At all material times before and after the claim form had been presented, the claimant was represented by [REDACTED] of [REDACTED] & Partners Solicitors.
 - (b) In particular, [REDACTED] had signed at the foot of the ET1 claim form.
 - (c) The claimant himself had no knowledge of the applicable time limit for bringing the claims and he had, unfortunately for him, relied on [REDACTED] to advise him accurately.
 - (d) Although the claimant was let down by [REDACTED], he accepted that he shared a responsibility to ensure that the claim was presented in time.
 - (e) Although the claimant had been ill for a period following his dismissal by the respondent, and he had also held out a genuine hope of a negotiated resolution with the respondent that would avoid a claim, that was not the reason why the claim had been presented late. The reason was his ignorance as to the time limit, which was wholly caused by [REDACTED] of [REDACTED].

7. The claimant had evinced surprise about the claim being out of time, and it was obvious to the Tribunal (and the respondent accepted this) that his surprise was genuine.
8. The respondent submitted, and the Tribunal accepted, that the person and firm of solicitors who had advised the claimant should, by the nature of their practice, reasonably be taken to have been experienced legal advisers, including with a practice in the employment law field.
9. However, the Tribunal found that the principles set out in the cases of Dedman v British Building and Engineering Appliances Limited [1973] EWCA Civ J110601 and T Mobile (UK) Ltd v Singleton UKEAT/0410/10/ZT in terms of erroneous advice about time limits, applied. The principles established in those cases were that:
 - (a) A claimant cannot claim to be in reasonable ignorance of the time limit if he had consulted a skilled advisor, even if that advisor had failed to advise him properly; and
 - (b) The Dedman principle cannot be distinguished on the basis that advice is short and free.
10. The Tribunal decided that the above principles in case law had the effect that the [REDACTED] of [REDACTED] in failing to ensure that the claimant's case was presented within the statutory time limit, was fixed upon the claimant by operation of the relevant case law. The Tribunal found that it was bound by that case law and there was no evident matter of fact allowing it to distinguish or derogate therefrom.
11. Accordingly, the Tribunal found that it was obliged to strike out the claimant's claim for lack of jurisdiction.

M Da Costa

Employment Judge M Da Costa
03 April 2026

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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