



EMPLOYMENT TRIBUNALS

Claimant: Mustafa Serhat Saatci

Respondent: Richmond Food & Supply Limited

RECONSIDERATION JUDGMENT

The respondent's application dated 17 July 2026 for reconsideration of the judgment sent to the parties on 8 July 2026 is refused.

REASONS

The Law

1. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (Rule 68 of The Employment Tribunal Procedure Rules 2024).
2. Rule 70(2) of the 2024 Rules requires the refusal of an application for reconsideration based on a preliminary consideration if there is no reasonable prospect of the original judgment being varied or revoked.
3. In Ebury Partners UK Limited v Acton Davis [2023] EAT 40, having set out what is now Rule 68, HHJ Shanks summed up the Tribunal's power to reconsider a judgment as follows:

The employment tribunal can therefore only reconsider a decision if it is necessary to do so 'in the interests of justice.' A central aspect of the interests of justice is that there should be finality in litigation. It is therefore unusual for a litigant to be allowed a 'second bite of the cherry' and the jurisdiction to reconsider should be exercised with caution. In general, while it may be appropriate to reconsider a decision where there has been some procedural mishap such that a party had been denied a fair and proper opportunity to present his case, the jurisdiction should not be invoked to correct a supposed error made by the ET after the parties have had a fair opportunity to present their cases on the relevant issue. This is particularly the case where the error alleged is one of law which is more appropriately corrected by the EAT.

4. The interests of justice must be considered not only from the point of view of the party seeking the reconsideration, but also from the point of view of the party resisting it. The Court of Appeal put matters as follows in Phipps v Priory Education Services Ltd [2023] EWCA Civ 652 at [36]:

An application for reconsideration under [Rule 68] must include a weighing of the injustice to the Applicant if reconsideration is refused against the injustice to the Respondent if it is granted, also giving weight to the public interest in the finality of litigation.

5. In Ministry of Justice v Burton [2016] ICR 1128 Elias LJ, stated that the discretion to act in the interests of justice is not open-ended and emphasised the importance of finality, which he said militated against the discretion being exercised too readily (its [21]).
6. In common with all powers under the 2024 Rules, preliminary consideration under Rule 70(2) must be conducted in accordance with the overriding objective which appears in Rule 3, namely, to deal with cases fairly and justly. Achieving finality in litigation is part of a fair and just adjudication.
7. As noted above, there is only one ground on which a judgment can be reconsidered: the interests of justice. However, the factual basis for a successful application for a re-consideration may include (but are not limited to): the decision being wrongly made as a result of an administrative error; a party not receiving notice of the proceedings leading to the judgment; the decision being made in the absence of a party; or new evidence being available since the conclusion of the hearing which the applicant could not reasonably have known about or foreseen at the time of the hearing. That is to say the typical factual basis for a successful application for a reconsideration tends to be that for some reason the applicant has not had a fair opportunity to present their case.

The Grounds in the application

8. The respondent's reconsideration application ("the Application") is contained in an 11 page document sent to the Tribunal by email on 17 July 2026
9. The primary focus of the Application is that the Tribunal erred in that:

...the Respondent respectfully submits that the Written Reasons do not adequately reconcile certain central findings with the Respondent's direct witness evidence, the contemporaneous documentary evidence and the objective circumstances accepted by the Tribunal itself. These matters go to the foundation of the Tribunal's finding that a binding contract of employment was concluded on 4 July 2025 and therefore to the consequential findings and remedies which followed.

10. In substance, the respondent contends either that no reasonable Tribunal could have reached the conclusion I reached on contract formation, or that I erred in my assessment of the evidence and the weight attributed to it, or that my reasons were inadequate. In my view there is no merit in any of the points raised by the

respondent. However, be that as it may, these are matters which are properly the subject of an appeal rather than reconsideration.

11. Reconsideration is refused. This is because there is no reasonable prospect, taking into account all that the respondent says in the Application, of the respondent persuading me that the interests of justice require that my judgment be varied or revoked on this ground. The Application identifies no procedural irregularity, administrative error, absence of notice, denial of a fair opportunity to present the case, or new evidence unavailable at the time of the hearing.
12. The respondent is seeking what HHJ Shanks described in Ebury Partners UK Limited as 'a second bite of the cherry' without any legally sound reason for doing so. The respondent had a fair opportunity to present its case and is now seeking to re-argue it.
13. For the reasons set out above, the respondent's application for reconsideration is refused in its entirety.
14. The respondent made an application for a stay of enforcement of the judgment pending determination of the Application. I have determined the Application and so the application for a stay of enforcement falls away.
15. I will deal separately with the respondent's request for a certificate of correction in respect of one detail in my reasons.

Employment Judge Evans
Date: 22 July 2026

Sent to the parties on:
Date: 22 July 2026