



EMPLOYMENT TRIBUNALS

Claimant: Mr M. Chowdhury
Respondent: Property Partners Management Limited
Heard at: East London Hearing Centre (by CVP)
On: 29 July 2026
Before: Employment Judge Massarella

Appearances

For the Claimant: Did not attend and was not represented
For the Respondent: Ms Voges (litigation executive)

JUDGMENT

The judgment of the Tribunal is that: -

1. The Claimant having failed to attend or to be represented at the hearing on 29 July 2026, his case is dismissed under rule 47 of the Employment Tribunal Procedure Rules 2024.

REASONS

1. The claim form was presented on 27 August 2025, after an ACAS early conciliation period between 25 and 26 August 2025. It mentions claims of automatic unfair dismissal, race discrimination, religion or belief discrimination, disability discrimination, failure to make reasonable adjustments, wrongful dismissal, notice pay, holiday pay and arrears of pay. Many of those claims require further particularisation.
2. A case management order of 21 January 2026 required the parties to agree a list of issues and the Claimant to serve a schedule of loss before the preliminary hearing for case management, which was listed on 16 March 2026 by CVP.

3. At 00:07 on 16 March 2026, the Claimant wrote to the Tribunal, copying in the Respondent:

‘Is the hearing in person? If yes, please can the hearing be postponed and rescheduled for a later date? My wife has just had our baby at Queen Charlottes and Chelsea hospital and I am unable to attend as I am now stressed, tired/exhausted and have injuries to my left knee and right ankle.’

4. In the event, that hearing was vacated because of lack of judicial resources; it was relisted to today’s date.

5. The Respondent attended today and was represented; the Claimant did not.

6. I enquired of the Respondent whether it had had recent contact with the Claimant. Ms Voges (the Respondent's representative) explained that before the preliminary hearing listed in March 2026, the Respondent had prepared a bundle and sent it to the Claimant; he did not acknowledge receipt. Ms Voges had also sent a draft list of issues to the Claimant on 11 February 2026, requesting his agreement and seeking the further information necessary to understand and manage the claim. She chased the Claimant on 6 March 2026, again requesting agreement to the list of issues and a schedule of loss. The Claimant did not reply to any of her communications. Ms Voges informed me that, apart from the application to adjourn the March hearing, the Respondent heard nothing further from the Claimant.

7. The Respondent re-sent the hearing bundle to the Claimant on 27 July 2026 in advance of this hearing. The Claimant did not acknowledge receipt. The bundle was re-sent again on the morning of the hearing and that email expressly referred to 'the hearing this morning'.

8. The Tribunal clerk attempted to contact the Claimant by telephone on two occasions and left a voicemail message. The clerk also sent an email. During the period before the hearing resumed, a different mobile telephone number appeared briefly on the CVP attendees list on two occasions and then disappeared.

9. The clerk subsequently discovered an email from the Claimant sent yesterday from a different email address to that previously used by him; the case number had not been put in the subject header and the Respondent had not been copied in. He wrote:

‘Further to my telephone call yesterday, I would like to confirm that I have not been able to get a replacement mobile phone device after I have lost my mobile phone yesterday. I have all the details in relation to my claim saved on the mobile phone that I have lost. The mobile phone that I am using at present is not great and I will not be able to join via CVP.

I request that I am able to join via telephone with a pin for tomorrow's preliminary hearing.

This mobile phone does not have reliable connection, I am awaiting a replacement soon in due course.

This will be my interim email address.

In anticipation of your reply.’

10. My clerk replied to that email address:

'I am attaching the Notice of Hearing with the joining details for the CVP that was sent to you previously. Please join the CVP now by your mobile phone, The Judge and parties are waiting for you.'

11. The Claimant did not join by telephone, nor did he respond to the email to say that he was unable to do so for any reason. There was no further communication from him before I delivered this judgment at 11:30.

The law

12. Rule 47 provides:

If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.

13. I had regard to the Court of Appeal case of *Roberts v Skelmersdale College* [2004] IRLR 69. Although it was decided under the old rules, there is sufficient similarity between the two rules that it remains good law. The following principles emerge (so far as they apply to new rule 47):

13.1 the rule confers a very wide discretion;

13.2 the rule does not impose on an employment tribunal a duty of its own motion to investigate the case before it, nor to satisfy itself that on the merits the Respondent has established a good defence to the claim of the absent employee;

13.3 the Tribunal has a discretion to require the employer to give evidence, but no duty to do so;

13.4 before making a decision the Tribunal shall have regard to the information required under the rule.

Conclusions

14. I have considered Rule 47 and the principles set out in *Roberts v Skelmersdale College*. Rule 47 confers a wide discretion.
15. I have had regard to all the information available concerning the Claimant's absence and to the enquiries that were made by the Tribunal before any decision was reached.
16. He has failed to take any steps to progress his case since issuing it in August 2025. He has not complied with the Tribunal's orders and has not engaged with the Respondent's reasonable attempts to prepare for this hearing. The overriding objective in the Tribunal's rules requires parties to cooperate with each other and to assist the Tribunal. The Claimant has done neither.
17. I am satisfied that the Claimant had notice of the hearing. I am satisfied that the Tribunal took reasonable steps to contact him and to ascertain the reason for his non-attendance.
18. As to the explanation advanced by the Claimant for his non-attendance, if the Claimant had taken any previous steps to progress his case, I might have been more ready to believe it. As it is, I regard it as wholly unsatisfactory, indeed

implausible. The Claimant has not explained why, if he discovered yesterday that his new phone was unreliable, he did not arrange with a family member or friend or to use or borrow a different device (computer, laptop, tablet, mobile telephone or landline).

19. I have concluded that the Claimant has chosen not to attend this hearing. In my view his non-attendance was deliberate and contumelious (disrespectful to the Tribunal).
20. I reminded myself that the dismissal of a case under rule 47 is a severe sanction. I considered the alternatives. There was no possibility of my seeking to progress this case in the Claimant's absence: the claim form requires extensive further particularisation. The Claimant has already had every opportunity to provide those particulars and has chosen not to do so. I considered whether it would be right, as an alternative, to adjourn the hearing to another occasion. I decided that, in the circumstances, it would not. If the hearing were relisted, given the current caseload of the Tribunal, it would be many months before it could come back into the list. I had no confidence that the Claimant would attend on that occasion.
21. I had regard to the prejudice to the Respondent, a small business which attended today's hearing both in person and through professional representation, incurring the associated cost and inconvenience. The Respondent has repeatedly attempted to progress the proceedings and obtain clarification of the Claimant's case, but the Claimant has failed to engage with those efforts. Requiring the Respondent to incur further time and expense in circumstances where the Claimant has not actively pursued the claim would, in my view, be unjust.
22. I also had regard to Tribunal resources. There is huge demand for hearings in this region and some parties are having to wait well over a year for their cases to come on. It would not be right, in my view, for further time and resources to be allocated to the Claimant's case in circumstances where he has elected not to participate in the proceedings in this way.
23. In all the circumstances, I dismiss the Claimant's case under rule 47, because he has neither attended nor been represented at this hearing.
24. This judgment will be sent to both of the Claimant's email addresses.

Approved by:
Employment Judge Massarella
Date: 29 July 2026