



EMPLOYMENT TRIBUNALS

Claimant: AADIL GIRACH

Respondent: HASTINGS INSURANCE SERVICES LIMITED

Heard at: Leicester

On: 17 August 2026

Before: E J Brown

REPRESENTATION:

Claimant: In person

Respondent: Ms Nichols, Counsel.

JUDGMENT

1. The proceedings are dismissed in full under Rule 47 Employment Tribunal Rules of Procedure 2024.

REASONS

1. The case was listed today as a public preliminary hearing to determine whether this Tribunal had jurisdiction to hear the claims advanced due to the fact that his claims by the time they were presented in November 2026 were over four months out of time. I therefore needed to hear from the claimant today in the form of a witness statement as anticipated and ordered by Judge Butler as to why he said it was not reasonably practicable to present his claims within the statutory time limit.
2. No witness statement was filed ahead of the hearing today by the claimant. The claimant knew about the hearing today because, as pointed out to me by Ms Nichols, they wrote to him as recently as the 4th of August 2026 about his non-

compliance with Tribunal orders in preparation for this hearing and then did so again on the 7th of August 2026.

3. In relation to those emails and his failure to apply the respondents understandably also applied to strike out the claims of unfair dismissal and for breach of contract and unauthorised deduction from wages due to his failure to comply with orders made to prepare for the hearing today.
4. I therefore considered that I should deal with this matter today before me under Rule 47. I had two options available to me. One was not to proceed with the hearing and to simply dismiss all his claims because he is not here to provide evidence about why he did not bring his claims earlier, and why he did not comply with tribunal directions, or alternatively I could proceed with the hearing in his absence and determine the applications before me today.
5. I asked my clerk to telephone him to ask why he was not here today and he told her that he *'forgot it was happening today'* as his wife had been in labour recently, and that he would prefer a postponement of the hearing but understands that might not be possible.
6. Miss Nichols pointed out to me that as they had written to him as recently as the 4th and the 7th of August 2026 it was very difficult to see how he could have forgotten about the hearing today as claimed by the claimant.
7. I concluded he hadn't forgotten about the hearing today and that he had clearly not been engaging in these proceedings for some time and I concluded he simply decided not to turn up at this hearing today.

The Law

8. Rule 47 provides as follows:

"Non-attendance

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

9. Rule 3 provides the following:

"Overriding objective

3.—(1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes, so far as practicable—

(a) ensuring that the parties are on an equal footing

(b) dealing with cases in ways which are proportionate to the complexity and importance of the issues,

(c) avoiding unnecessary formality and seeking flexibility in the proceedings,

(d) avoiding delay, so far as compatible with proper consideration of the issues, and

(e) saving expense.

(3) The Tribunal must seek to give effect to the overriding objective when it—

(a) exercises any power under these Rules, or

(b) interprets any rule or practice direction.

(4) The parties and their representatives must—

(a) assist the Tribunal to further the overriding objective, and

(b) co-operate generally with each other and with the Tribunal.”

10. I had information to explain the non-attendance from the Claimant, but I did not accept that he could have forgotten about the hearing today due to recent correspondence to him that I concluded he had chosen to ignore.

11. I gave consideration to issuing an unless order or a strike out warning, however given the lack of response from the Claimant to the Respondent's recent emails I formed the view that neither of those options would likely have any effect.

12. I considered proceeding with the hearing in his absence and determining whether it had been reasonably practicable to issue the claim in time, but I had no witness statement from the Claimant, as ordered by Judge Butler, to determine that issue. I also had no explanation either as to why he had simply chosen not to comply with any case management orders in preparation for this hearing so as to determine in the alternative whether his claim should be struck out for failing to actively pursue his claim or for non-compliance with Tribunal orders.

13. At 10:15 am I determined that the case should be dismissed in full under Rule 47 due to the Appellant's non-attendance as that would be in furtherance of the Overriding Objective of the Employment Tribunal to avoid further time and costs being wasted, and it was also in the interests of justice given the length of time this matter has gone on with no progress having been made. I was also particularly mindful that today's hearing time could have been given to other Tribunal users waiting for their day in court, Tribunal time already having been

spent reading in papers which was wasted time.

14. The claims for unfair dismissal, breach of contract and unauthorised deductions from wages are therefore dismissed in full.

Approved by:

Employment Judge Brown

Dated: 17 August 2026

Sent to the parties on

...12 September 2026.....

For the Employment Tribunal

...Elliot Barker.....

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found at www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/