



EMPLOYMENT TRIBUNALS

Claimant: Rakesh Rao

Respondent: J C Bamford Excavators Limited

JUDGMENT

Both claims are struck out.

REASONS

1. The Tribunal wrote to the claimant on 10 March 2026 warning him that the Tribunal was considering striking out both claims. This was because it appeared to the Tribunal, applying Rule 38 of the Employment Tribunal Procedure Rules 2024, that
 - the manner in which the proceedings were being conducted by or on behalf of the claimant was scandalous, unreasonable or vexatious as set out in the respondent's application dated 3 December 2025 (which was not responded to by the claimant) and it appears a fair trial is no longer possible as a result
 - the claimant had not complied with the Order of the Tribunal dated 2 December 2025 and may not have complied with the order of 20 February 2026
 - the claimant did not attend a preliminary hearing on 27 February 2026 for case management and did not provide any explanation for his non-attendance
 - in all the circumstances, it appeared the claim was not being actively pursued
2. The letter gave the claimant an opportunity to explain why the claims should not be struck out, or to request a hearing at which to do so. The claimant has not replied by 17 March 2026.
3. I am satisfied that the grounds for striking out that part of the claim under Rule 38 apply, and that it would be in accordance with the overriding objective in Rule 3 to strike out the claims.

4. Accordingly, both claims are struck out and the final hearing is cancelled.

Approved by:

Employment Judge Battisby

19 March 2026