



EMPLOYMENT TRIBUNALS

Claimant: Mr G Anbalagan
Respondent: Cranswick Convenience Foods Ltd
Heard at: Bury St Edmunds (by video)
On: 10 September 2026
Before: Employment Judge Graham
Representation
Claimant: No attendance
Respondent: Mr M Hems, Solicitor

JUDGMENT

1. The claim is dismissed in full.

REASONS

Background

1. The Claimant filed his ET1 claim form on 7 August 2025 and makes complaints of unfair dismissal, age, race and disability discrimination, as well as seeking other payments.
2. An ET3 Response denying the claim was filed by the Respondent which argued that the Claimant had not been an employee, as well as disputing the claims.
3. On 9 December 2025 the Respondent asked the Claimant for more information about his claim. The Claimant agreed to reply by 9 January 2026.
4. On 9 January 2026 the Claimant provided scant information which was of no assistance.
5. On 13 March 2026 the Tribunal directed the Claimant to provide further information about his disability discrimination claim. The Claimant failed to comply.

6. The Respondent has had to chase the Claimant to comply with the direction and to pursue his claim by providing the information requested. Emails were sent by the Respondent on 21 April, 1 June, 22 July, 30 July and 6 August 2026 to no avail.
7. On 22 July 2026 the Respondent applied for a strike out of the claim. On 29 July 2026 the Claimant objected but still failed to advance his claim.
8. The Respondent has attempted to email and telephone the Claimant however there has been no reply.
9. The Respondent produced a case management agenda for today's hearing, the Claimant did not.
10. Today's hearing was listed on 14 February 2026. The Claimant would have been aware of it from the notice of hearing, and from the Respondent's repeated correspondence.
11. A check of the Tribunal inbox did not locate any email from the Claimant explaining his non-attendance.
12. I paused the hearing for 15 minutes to give the Claimant time to join, however by 10:20am he had not done so. I concluded that he was not intending to join.
13. I could not make progress in the absence of the Claimant today.
14. The Respondent invited me to deal with its strike out application of 22 July 2026 and to strike out the claim on the basis that the Claimant was not its employee, and due to the failure to actively pursue the claim, and failure to comply with Tribunal orders.

Law

15. Rule 3 of the Employment Tribunal Rules of Procedure 2024 sets out the Overriding Objective of the Tribunal as follows:

"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.”*

16. Rule 47 provides:

“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.”

17. In ***Arrow Nominees Inc v Blackledge* [2000] 2 BCLC 167** the court held that a fair trial *“is a trial conducted without undue expenditure of time and; and with a proper regard to the demands of other litigants upon the finite resources of the court.”* [55]

Conclusion and decision

18. I am satisfied that the Claimant was aware of today’s hearing as both the Tribunal and the Respondent had written to him.

19. I refused to deal with the strike out as the Claimant had not been told it would be listed for that purpose, and he had not been given the 14 days’ notice he would be entitled to under Rule 53(2).

20. I could not proceed in the absence of the Claimant as I needed to hear from him about the legal issues in his claim, including his recognition that the Respondent was not his employer but he nevertheless wished to pursue an unfair dismissal claim against it. I noted the Claimant did not have two years’ continuous service in any event, leaving aside the identity of his employer.

21. I formed the view that a postponement or a strike out warning would be inappropriate. This hearing has been listed for some time, and other Tribunal users are waiting in the queue and could have made use of today’s hearing instead.

22. I did consider combining a postponement with an unless order under Rule 39, however I reached the same conclusion that this would unlikely have

any result as the Claimant has failed to attend and has done nothing of substance to progress this matter after issuing the ET1.

23. I considered that the Respondent had already been put to expenditure of time and cost without any progress being made on the matter.

24. I was also mindful of the cost to the Tribunal of listing hearings which make no real progress. I was further mindful of the impact upon other Tribunal users waiting patiently in the queue for their hearings. Other hearings would have had to wait in order for this matter to take place.

25. I reminded myself that a fair trial is one which is conducted without undue expenditure of time and costs, and which takes into account the needs of other Tribunal users.

26. In such circumstances I considered that the appropriate way forward was to dismiss the claim under Rule 47 due to the Claimant's non-attendance and the inability to proceed with the hearing in his absence. This appeared to me to be in furtherance of the Overriding Objective of the Tribunal to deal with cases in a manner which is fair and just to both parties and to avoid the further unnecessary expenditure of time and costs for all concerned.

27. I thanked Mr Hems for his assistance today.

28. The claim is dismissed in full under Rule 47.

Approved by:

Employment Judge Graham
10 September 2026

JUDGMENT SENT TO THE PARTIES
ON 10 October 2026

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FOR THE TRIBUNAL OFFICE

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 here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/