Case Number: 6022027/2026

EMPLOYMENT TRIBUNALS

Claimant: **Azra Ladak**

Respondent: **Mauricare Homes LRSNH**

JUDGMENT

The claimant's application dated 22 September 2026 for reconsideration of the judgment sent to the parties on 19 September 2026 is refused.

REASONS

1. This is the preliminary consideration of the claimant's application for reconsideration of the judgment sent to the parties on 19 September 2026. That judgment struck out the claimant's complaint of unfair dismissal as she did not have two years service and he had failed to give an acceptable reason why the complaint should not be struck out. The claimant was given until 24 August 2026 to give reasons in writing why her complaint of unfair dismissal should not be struck out. She did not respond by that date.

2. The Claimant was also informed that her other complaints were not affected by that judgment. To reassure the Claimant, her other complaints still proceed. It is only her unfair dismissal complaint that my judgment struck out.

3. The claimant's application was made by means of an application submitted via the HMCTS portal and dated 20 March 2026.

4. Such an application falls to be considered under Rules 68 to 70. Rule 69 provides that an application for reconsideration must be made within 14 days of the date on which the written record (or, if later, the written reasons) were sent to the parties. Here, the claimant's application was received within the relevant time limit.

5. By rule 68, the Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so and, if it decides to do so, may vary, revoke or confirm the original decision. There is single threshold for making an application. That is that reconsideration is necessary in the interests of justice. There must therefore be something about the nature of how the decision was reached, either substantively or procedurally, from which the interests of justice would be offended if the original decision was allowed to stand.

6. By rule 70 I am to give an initial consideration to the prospects of the application

determining whether it is necessary to seek the views of the respondent and whether the matter can be dealt with on paper or at a further hearing before the same tribunal. Where the application can be said to carry no reasonable prospects of being varied or revoked, the rules dictate that I shall refuse the application without being required to consider the matter further.

7. Rule 70 gives the Tribunal a broad discretion to determine whether reconsideration of a decision is appropriate. Guidance for Tribunals on how to approach applications for reconsideration was given by Simler P in the case of **Liddington v 2Gether NHS Foundation Trust UKEAT/0002/16/DA**. Paragraphs 34 and 35 provide as follows:

> *"34. […] a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered. Tribunals have a wide discretion whether or not to order reconsideration.*
>
> *35. Where […] a matter has been fully ventilated and properly argued, and in the absence of any identifiable administrative error or event occurring after the hearing that requires a reconsideration in the interests of justice, any asserted error of law is to be corrected on appeal and not through the back door by way of a reconsideration application."*

8. The application for reconsideration is somewhat confusing to follow and has been made on the following basis:

> *"Object and am appealing to the strike out for unfair dismissal based on the termination letter has been altered to suite the law in place now as per proof above also I was employed for 16 hours the employer has lied about the hours contracted the original contract of employment is attached above and the original termination letter has been enclosed here also I have written to you to state this needs to be amended as wrongful and constructive dismissal please have a look at my letter sent from the doctors to my employer whilst I was employed.*
>
> *This evidence should be sufficed to prove breach of contract from the employer as i was bullied harassed and discriminated against and wrongful pay has taken place when getting paid by this employer no sick pay has been paid, I have proof and evidence of all of this despite the less than 2 years' service of employment still have the rights to appeal according to the law on the grounds of the reasons explained above for unfair dismissal if not then wrongful and constructive dismissal should be taken into consideration. Please do take this into consideration and put it forward to the judge. I have also responded to you regarding this strike to be removed I have proof of the email that has been sent to you before the deadline. Please look at my initial contract as proof of when and how many hours I was employed for as the et3 form the respondent has filled put and stated to you is incorrect to what it was. The respondent has admitted to reasonable adjustments that were not made that were due to be made during my employment with Mauri care as stated in the termination notice letter I was not given the chance to appeal from the employer and my union I have proof of this if required."* [sic]

9. The claimant's application is misconceived. It fails to offer any explanation as to why

she should be allowed to advance a claim of unfair dismissal. The Claimant has less than two years' service and so cannot advance a complaint of ordinary unfair dismissal. In addition, despite being given the opportunity to do so, she has not put forward any reason as to why her dismissal might have been automatically unfair.

10. To reassure the Claimant again, the entirety of her claim was not struck out and her other complaints still proceed to a final hearing. Taking all matters into account and having carefully considered the claimant's application and, bearing in mind the importance of finality in litigation and the interests of both parties, I am not satisfied that there is any reasonable prospect of the judgment being varied or revoked. The application for reconsideration is therefore refused.

Approved by:

Employment Judge McTigue

Dated: 05 October 2026

Sent to the parties on

...29 October 2026.....

For the Employment Tribunal

...Elliot Barker.....