



EMPLOYMENT TRIBUNALS

BETWEEN

Claimants: 1 MRS M A ABELEDA
 2 MR J C EUSTAQUIO
 3 MS Q L LY
 4 O Y CHEAH

Respondent: **CELESTIAL TRAVEL LTD**

PRELIMINARY HEARING

HELD AT: London Central **ON:** 12 August 2019

HEARD BY EMPLOYMENT JUDGE: Oliver Segal Q.C.

Representation:

For C1 and C2: Mr W Brown, Solicitor
C3 and C4: Not in attendance
For Respondent: Not in attendance

JUDGMENT

1 The First and Second Claimants have permission to amend their claims so that Celestial Travel Ltd is added as a Respondent in substitution for Dr Minglian Chen, pursuant to r. 34 of the tribunal Rules of Procedure.

REASONS

- 2 The Claimants lodged an ET1 on 16 November 2018 naming Dr Mingliang Chen (“Dr Chen”) as the Respondent, claiming unpaid wages etc., redundancy pay and notice pay.
- 3 A single ACAS EC Certificate Number was provided in respect of those claims
- 4 The tribunal accepted the claims and allocated each Claimant’s claim a separate case number (as set out in the title of this document).
- 5 At a PH convened today to determine whether to amend the name of the Respondent in respect of those claims, the First and Second Claimants applied to amend by way of substitution the name of the Respondent to Celestial Travel Ltd (“Celestial”).
- 6 Both those Claimants gave the following evidence in the form of witness statements and in answers to my questions (where noted that evidence was also supported by documents):-
 - a. They had been employed by Celestial, which was a separate business specialising in travel to the Philippines; they were the only employees so employed in London so far as they knew.
 - b. That business was operated from premises in London together with a related business, Jade Travel Ltd (“Jade”) which specialised in travel to China.
 - c. Both those businesses, together with other related businesses, were owned by Dr Chen who was a director of each of them.
 - d. Those Claimants interacted with the public as representing Celestial.
 - e. They had email addresses for internal purposes “@celestialtravel.co.uk” (as shown in documents).

Case Numbers: 2206689, 2206690, 2206691, 2206692/2018

- f. They were required to provide and did provide timesheets to the person(s) dealing with payroll etc, “for Celestial Travel attendance” – as distinct from other staff who were written to at “jadetravel”, “omegatravel.ltd”, etc. (as shown in documents).
- g. There were “Wechat” messages sent to staff including these Claimants regarding the proposed relocation to Milton Keynes, referring to “staff in Jade Travel, Celestial Travel ...”

7 according to a Companies House print out dated 10/8/19, is still Active, in the business of “Travel agency activities”.

8 , according to a Companies House print out dated 10/8/19, is still Active, in the business of “Travel agency activities”.

9 The address given for the company is **26 Willen Park Avenue, Willen Park, Milton Keynes, MK15 9HR.**

10 It therefore seems very likely that the First and Second Claimants were employed by Celestial, whose business was relocated to Milton Keynes at or close to its registered office.

11 The evidence in relation to the Third and Fourth Claimants was less clear. The First Claimant told me that they were employed, so far as she knows, by Jade Travel Ltd, and worked in that business, which according to a Companies House print out dated 10/8/19, is still Active, but a Dormant Company, with the same registered office address as that of Celestial.

12 It is not unlikely that these Claimants also worked for a company whose business was relocated to Milton Keynes, as the contemporary documents suggest, but I do not feel, in the absence of direct evidence from them that I can make that finding today.

13 I have therefore ordered those Claimants to confirm whether they wish to pursue their claims and if so whether against Jade Travel Ltd or someone else. If they seek to pursue their claims against Jade Travel Ltd,

it is very likely that the tribunal will allow those claims to be amended to substitute Jade Travel Ltd as a Respondent in place of Dr Chen.

EMPLOYMENT JUDGE - Segal

16th August 2019 London Central

Date Sent to the Parties

16/08/2019

For the Tribunal Office

IMPORTANT NOTES

(1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.

(2) Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rules 74-84.

(3) You may apply under rule 29 for this Order to be varied, suspended or set aside.