



# EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Number: 4102781/2020

Hearing held in Glasgow on 14 February 2022

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Employment Judge M Whitcombe  
Tribunal Member G Coyle  
Tribunal Member J Whistler

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Mr H Dulai

Claimant  
Represented by:  
Mr D Japp  
(Solicitor)

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Chief Constable Police Service of Scotland

Respondent  
Represented by:  
Dr A Gibson  
(Solicitor)

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## JUDGMENT

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The unanimous judgment of the Tribunal is that the claim is dismissed under rule 47, the claimant having failed to attend the hearing.

## REASONS

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1. The claimant failed to attend the hearing today. The Tribunal correspondence file and email inbox were both checked but there had not been any relevant message from the claimant. His representative Mr Japp kindly stayed to help us by supplying what information he could, although he was instructed by the

Police Federation (who fund the claimant's representation) to withdraw if the claimant failed to attend. Mr Japp had attempted to contact the claimant this morning without response.

5 2. Mr Japp had experienced difficulties gaining the claimant's instructions last week. There was no doubt that the claimant was aware of the hearing. Mr Japp did not consider himself instructed to make any applications on the claimant's behalf. Neither Mr Japp nor the claimant himself had made any application to postpone.

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3. There was a suggestion that the claimant had in the past indicated a wish to apply for a postponement because he wanted sight of his personnel file. If any formal application had been made to postpone on that basis then we would have refused it, because no application for disclosure of the personnel file had been made at any previous point in the litigation, the claimant had been represented by solicitors since the commencement of the claim on 26  
15 May 2020 and Dr Gibson informed us that there had not been any informal request for disclosure of the file either. Further, the relevance of that file to the issues in the case had not been explained. A joint file of relevant  
20 documents had already been prepared for use at the hearing.

4. The position was therefore that the claimant had not attended, had not provided any explanation for that failure to attend, was no longer represented and had not made any formal application to postpone. Further, he had a  
25 burden of proof because he had brought discrimination claims. We inferred in the absence of any explanation or communication that the claimant had made a conscious decision not to attend the hearing. We therefore decided that it would be fair and in accordance with the overriding objective to dismiss the case under rule 47.

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Employment Judge: Mark Whitcombe  
Date of Judgment: 14 February 2022  
Entered in register: 16 February 2022  
and copied to parties