



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr A Chaudhry

v

**Cerberus Security and Monitoring
Services Limited**

JUDGMENT

1. The claimant's application dated 29 May 2020 for reconsideration of my judgment dated 18 May 2020 is refused under rule 72(1) of the Employment Tribunals Rules of Procedure 2013.
2. The respondent's application dated 3 June 2020 for strike out of the claimant's claim under rule 37 of the Employment Tribunals Rules of Procedure 2013 is refused.

REASONS

1. The claimant, Mr Chaudhry, has applied on 29 May 2020 for reconsideration of my judgment dated 18 May 2020 by which I refused his application for an order striking out the respondent Cerberus Security and Monitoring Services Limited's response in this case.
2. Rule 72(1) of the Employment Tribunals Rules of Procedure 2013 provides that if I consider there is no reasonable prospect of my original decision being varied or revoked, including, unless there are special reasons, where substantially the same application has been made and refused, the application for reconsideration shall be refused.
3. The claimant's application dated 29 May 2020 simply repeats the grounds of his original application. It raises nothing new and contains nothing to make me think my decision was wrong. There is no prospect that I will revoke or vary my judgment. Accordingly, I refuse the claimant's application.
4. In responding on 3 June 2020 to the claimant's application, the respondent has made its own application for strike out of the claimant's claim on the basis that he *"has attempted to mislead the Tribunal, has acted in a vexatious, abusive,*

disruptive and unreasonable manner throughout the proceedings, the claim is scandalous and vexatious and has no reasonable prospects of success”.

5. At paragraph 9 of its application, the respondent asserts that a fair trial is no longer possible *“due to the claimant’s deceptive, scandalous and vexatious conduct. The claimant can no longer be trusted to act appropriately and honestly as this has not been displayed so far.”*
6. Despite the stringent, wide-reaching and, with respect, somewhat intemperate terms of the application, the only specific matter on which the respondent relies in support of it is that the claimant wrongly asserted that the respondent had not contacted him about the relevance of documents which he wished to have included in the bundle of documents. It appears that the respondent’s representatives, Elcons, emailed him about relevance on 23 April 2020.
7. I shall assume, as appears to be the case, that the claimant was wrong to assert that the respondent had not contacted him about the relevance of documents. I observe, however, that the main argument made by the claimant was that the respondent had failed to include his documents in the agreed bundle, which was undoubtedly correct, and I have criticised the respondent for that. But even taking the respondent’s case at its highest point, I do not understand on what basis the respondent can properly contend that a fair trial is no longer possible because of this or that strike out would be a proportionate response. It is clear to me that a fair trial is manifestly still possible and the respondent’s application is simply misconceived. I accordingly refuse the application.
8. I urge the parties not to expend their and the Tribunal’s time on unmeritorious strike out applications but instead to concentrate their efforts on preparation for hearing of the proceedings.
9. I regret, however, that because of the effects of the pandemic, it is no longer possible for this hearing, which requires a full Tribunal panel, to proceed as listed on 13-16 July 2020. I have directed that the hearing is postponed and the case listed for a short telephone hearing to look at further case management of the proceedings, including the possibility of resolution of the issues by alternative dispute resolution or judicial assessment, the fixing of new hearing dates and whether any hearing should take place in person or by remote means.

Regional Employment Judge Robertson

Date: 4 June 2020