



Case Nos: 1300332/2017  
& 1300545/2017

# EMPLOYMENT TRIBUNALS

## Claimants

(1) Mr Jayanti Desai  
(2) Mr Sanesh Desai

## Respondent

-v- YESSS (C) Electrical Ltd

## PRELIMINARY HEARING

**Heard at:** Birmingham (in public)

**On:** 31 May 2017

**Before:** Employment Judge Camp (sitting alone)

### Appearances

For claimant (1): no appearance

For claimant (2): in person

For the respondent: Ms J Darling, solicitor

## ORDER

- (1) A stay of case 1300332/2017 (Mr Jayanti Desai's claim) is not appropriate for the time being; although it may become appropriate if and when High Court proceedings are commenced or are imminent. Unless the tribunal orders otherwise beforehand, there will be a 90 minute preliminary hearing, by telephone, to deal with case management of that claim on the first available date after 31 August 2017. The parties must provide any relevant dates of unavailability by **7 June 2017**.
- (2) On the tribunal's own initiative – an order not made at the hearing – the name of the respondent is amended to (as above): YESSS (C) Electrical Ltd. Companies House online reports that the respondent changed its name on 23 February 2017.

## JUDGMENT

- (3) The whole of case 1300545/2017 (Mr Sanesh Desai's claim) is dismissed on the following bases:
  - a. the unfair dismissal and breach of contract complaints were brought outside the relevant time limits set out in sections 111(2)(a) & (b) of the Employment Rights Act 1996 ("ERA") and articles 7(a) & (c) of



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the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994;

- b. the claimant lacks sufficient continuous employment to have a right to a redundancy payment, pursuant to ERA section 155.

Employment Judge Camp  
31 May 2017

SENT TO THE PARTIES ON

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2 June 2017  
FOR THE TRIBUNAL OFFICE

Note: reasons for the above Judgment were provided orally at the hearing; written reasons were not requested at the hearing and will only be provided if either party presents a written request for them within 14 days of the sending of this written record of the decision.