



# THE EMPLOYMENT TRIBUNALS

BETWEEN

*Claimant*

*Respondent*

Mr H Thaker

AND

The Commissioner of Police of  
the Metropolis

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL AT PRELIMINARY HEARING

HELD AT: London Central

ON: 21 July 2017

EMPLOYMENT JUDGE: Miss A M Lewzey

### *Representation*

**For Claimant:** Did not attend

**For Respondent:** Mrs H Winstone of Counsel

## JUDGMENT

The judgment of the Tribunal is that the claims are struck out in their entirety under rule 37(1)(a) and (b) on the grounds that they have no reasonable prospect of success and the manner in which the proceedings have been conducted has been unreasonable.

## REASONS

1 This preliminary hearing is listed to consider:

1.1 Whether the Tribunal has jurisdiction to hear the claims; and/or

1.2 Whether the claims should be struck out on the basis that it has no reasonable prospect of success.

2 By a claim form presented to the Tribunal on 25 March 2017, the Claimant made multiple unparticularised claims of discrimination on the grounds of age, race, gender reassignment, marriage or civil partnership, sexual orientation, sex and religion or belief and also stated he was making another type of claim in respect of failures and shortcomings concerning internal corrupt practices and lack of professional standards.

The claim form seeks by way of remedy a warrant badge and ID card, a firearm, a statutory instrument to be passed in the legal system, a letter of apology and compensation.

3 On the face of the claim form, the Claimant alleges that his employment started on 9 September 1999 and ended on 25 August 2005. The Respondent produced documentary evidence at pages 45 to 46 of the bundle which showed that the Claimant worked as an administrative officer between 13 March 2000 and 5 January 2001. On the Claimant's case the claim is 12 years out of time. On the Respondent's case the claim is 16 or 17 years out of time.

4 The Claimant did not attend the hearing.

5 An earlier claim under case number 2208105/2016 ("the First Claim") brought by the Claimant against the Respondent was struck out on 3 February 2017 in its entirety under rule 37(1)(a) and (b) on the grounds that the claims had no reasonable prospect of success and the manner in which the proceedings had been conducted had been unreasonable. The Claimant did not attend that hearing, or an earlier hearing in the same case.

6 A number of the matters raised in this claim are the same as the matters raised in the First Claim. These matters are *res judicata*. Further, the matters raised in this claim could have been raised in the First Claim with reasonable diligence but were not. Such matters may not be raised because of the rule in **Henderson v Henderson (1843) 3 Hare 100**.

7 The claims in respect of failures and shortcomings concerning internal corrupt practices and lack of professional standards are not claims over which the Tribunal has jurisdiction.

8 With the exception of the claim for compensation the other remedies sought namely, a warrant badge, ID card, firearm, statutory instrument and letter of apology are not remedies that the Tribunal has jurisdiction to award.

9 Rule 37(1) of the Employment Tribunal's Rules of Procedure 2013 provides:

(1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds—

(a) that it is scandalous or vexatious or has no reasonable prospect of success;

(b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious; .....

10 On the Claimant's best case, his claims are 12 years out of time. No explanation is put forward as to why they are so far out of time. On the Respondent's case, the claims are 16 or 17 years out of time. Whether the claims are 12 or 16 or 17 years out of time the Claimant has no reasonable prospect of demonstrating that the Tribunal has jurisdiction to consider them.

11 Some of the matters raised in the claim are the same as the matters raised in the First Claim. They are res judicata or allegations that could have been raised in the First Claim with reasonable diligence by the Claimant. As such, the claims have no reasonable prospects of success.

12 In addition, the Claimant makes claims over which the Tribunal has no jurisdiction and seeks remedies which the Tribunal has no power to award. I am satisfied that the claims are vexatious and have no reasonable prospects of success.

13 The Claimant has not attended the hearing today despite having been given notice of the preliminary issues that would be determined at this preliminary hearing by a notice of hearing dated 26 May 2017. He did not attend to preliminary hearings in the First Claim. I am satisfied that the manner in which he is conducting these proceedings is both vexatious and unreasonable.

14 In those circumstances, I strike out the claims in their entirety under rule 37(1)(a) and (b) on the grounds that they have no reasonable prospects of success and the manner in which the proceedings has been conducted is unreasonable.

**EMPLOYMENT JUDGE LEWZEY**  
**21 July 2017**