



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms S Irvine

**Respondents:** Dr Don Jude Mahadanaarachchi t/a Stanley Road Medical Centre

**Heard at:** Manchester by CVP      **On:** 2 March 2021

**Before:** Employment Judge Holmes

## REPRESENTATION:

**Claimant:** No attendance or representation

**Respondents:** No attendance or representation

# JUDGMENT ON COSTS APPLICATION

It is the judgment of the Tribunal that the respondent's application for costs is dismissed.

## REASONS

1. By a letter from the respondent dated 8 September 2020 the respondent made an application for costs , following the claimant's withdrawal of her claim of unlawful deductions from wages her former employer. That claim was to be heard on 8 September 2020, but the claimant withdrew it the day before.
2. The application was , by letter form the Tribunal to the respondent, and the claimant , dated 29 January 2021 , listed for a CVP hearing on 2 March 2021. The parties were provided with the necessary login details, and informed of the requirement to provide the Tribunal with an electronic bundle in time for the hearing.
3. The claimant sent the Tribunal an email on 17 February 2021 expressing some uncertainty as to what the hearing was for, as she had closed the case. The Tribunal replied by email of 18 February 2021, explaining that this was a costs hearing. The claimant replied by further email of 19 February 2021 explaining more about the circumstances of the case being withdrawn, and questioning whether the costs application could be made.

4. No communication at all was received from the respondent, and no bundle was sent to the Tribunal for the hearing. At 10.00 am. the Tribunal opened the CVP hearing, and awaited the parties joining. Neither did, the link remaining open until 10.30, but with no participation by either party.

5. The Employment Judge reviewed the file. The costs application was made by Andrew Halpin, in – house solicitor of the respondent, who had dealt with the claim on her behalf. The respondent is in fact Dr. Don Jude Mahadanaarachchi trading as Stanley Medical Centre, as was confirmed in an email from Mr Halpin dated 7 November 2019. He, however, was the representative on the Tribunal’s record.

6. Correspondence with the respondent has been by email, to Mr Halpin’s email address – [Andrew.Halpin@livgp.nhs.uk](mailto:Andrew.Halpin@livgp.nhs.uk) . The claimant’s recent email suggests that Mr Halpin has left the respondent’s employ, and indeed it does seem that he is currently in private practice with a firm of solicitors.

7. It is unclear whether that explains the absence of communication from the respondent, but as the Tribunal has not been notified of a change of representative, or contact details, it has continued to communicate with Mr Halpin. In the response form the representative’s details are given as Mr Halpin, and the address is Fir Tree Medical Centre, 103 Fir Tree Drive South, Liverpool L12 0JE. It does seem that the Tribunal has posted letters to that address, but the letter of 29 January 2021 may only have been sent by email.

8. Whatever the position, it is the respondent’s obligation to ensure that the Tribunal is provided with up to date contact details. If the Tribunal’s communications have been sent to an inactive email address because a representative has left, it was the respondent’s responsibility to ensure that the Tribunal could keep in contact, especially in the light of its outstanding costs application. The position therefore is that the respondent has made this application , but has not attended or been represented at the hearing to determine it. In those circumstances, it is dismissed.

**Employment Judge Holmes**

Dated : 2 March 2021

JUDGMENT SENT TO THE PARTIES ON  
15 March 2021

FOR THE TRIBUNAL OFFICE

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