



EMPLOYMENT TRIBUNALS

Claimant
Mr M Talukdar

v

Respondent
Network Rail Infrastructure Limited

JUDGMENT

1. The Claimant's complaint of race-related harassment is struck out on the grounds that it stands no reasonable prospect of success.
2. The remaining complaints in the claim proceed to a Hearing.

WRITTEN REASONS

1. At a Preliminary Hearing (Case Management) (PHCM) on 20 May 2020, the Claimant stated that he wished to bring complaints of direct race discrimination, race-related harassment and unlawful deductions from wages. The claim form did not disclose any harassment "related to" race and the Claimant was unable to identify any unwanted conduct related to race during the PHCM.
2. Pursuant to an "Unless Order" the Claimant was given 14 days (i.e. until 4 pm on 3 June 2020) to confirm whether he was pursuing the complaint and if so, to give details, from the claim form, of the conduct related to race on which he relied. This was confirmed in the Case Management Summary and Orders promulgated on 21 May 2020.
3. At 02.46 on 2 June, the Claimant emailed the Tribunal to say that he had been unwell. He sought more time to respond. An extension of time for compliance with the Unless Order was granted on 2 June 2020 at 15.34. The Claimant was required to respond by 4 pm on 10 June 2020.
4. On 9 June 2020 at 20.45, the Claimant emailed a document purporting to comply with the Unless Order.
5. The Employment Judge has considered the document and has concluded that it discloses no facts that would be capable of amounting to race-related harassment, but instead appears to repeat the facts on which the Claimant relies as giving rise to direct race discrimination.
6. In the circumstances, the complaint of harassment is struck out as standing no reasonable prospect of success, pursuant to Rule 37 Schedule 1 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

7. The remaining complaints (direct race discrimination and unlawful deductions from wages) proceed as identified in the Case Management Summary and Orders.

Employment Judge Norris

Date: 13 June 2020

JUDGMENT SENT TO THE PARTIES ON

15 June 2020

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FOR THE TRIBUNAL OFFICE