



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr V Tomar

v

JK Technosoft UK Limited

Heard at: Reading by CVP
Before: Employment Judge Forde

On: 4 July 2022

Appearances

For the Claimant: Did not attend

For the Respondent: Ms M Shell. Representative

JUDGMENT

The claim is struck out.

REASONS

1. By a letter sent to the parties by email dated 5 November 2021 the Tribunal requested that the claimant indicate whether the claim was being actively pursued. The request for information followed a hearing that took place on 13 October 2021 which was listed to be a full merits hearing. The full merits hearing did not take place because the claimant did not attend and the although the respondent attended it informed the tribunal that it was unable to deal with the hearing effectively due to it receiving late notification of the hearing. The claimant has not provided a response to the tribunal's request.
2. The full merits hearing was relisted for 4 July 2022. As was the case before the last hearing, no contact has been received from either the claimant or respondent. The claimant did not attend the hearing. On behalf of the respondent its representative Miss Shell and its UK operation manager Mr Panicker attended. It appeared from the tribunal's file that none of the case management directions sent to the parties 13 October 2021 have been complied and the claimant has not complied with a request for him to provide further and better particulars of claim which was sent to him via email on 1 February 2020.

3. I considered whether it would be appropriate to strike out the claim under rule 37 of the 2013 rules on the basis that the claimant had conducted the proceedings unreasonably by failing to engage with the tribunal at all following the commencement of the claim or alternatively by not actively pursuing the claim. On the balance of probabilities I considered that the claimant had acted unreasonably in the conduct of the claim by failing to comply with the any of the tribunal's directions and that it appeared that he as not actively pursuing the claim. Specifically, I considered the following issues:
 - 3.1 the manner in which the proceedings have been conducted by or on behalf of the claimant has been scandalous, unreasonable or vexatious;
 - 3.2 that the claimant had not complied with the Order of the Tribunal dated **17 January 2021**.
 - 3.3 That the claim has not been actively pursued.
 - 3.4 That it is no longer possible to have a fair hearing of the claim, because the claimant's failure to set out the facts and reasons why he says he was unfairly dismissed, his failure to comply with case management orders including the request to provide further and better particulars of his claim and his failure to attend the dates on which the matter was listed for a full merits hearing of his claim.
4. The claimant has failed to make representations in writing, or has failed to make any sufficient representations, why this should not be done. In light of all of these reasons and having considered whether it would be appropriate to adjourn the hearing found that it was not in the interests of justice for the claim to continue. The claim is therefore struck out.

Employment Judge Forde

Date: 11 October 2022

JUDGMENT SENT TO THE PARTIES ON

11 October 2022

FOR THE TRIBUNAL OFFICE