

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/4100027/17

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Held in Glasgow on 18 April 2017

Employment Judge: Ian McPherson

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Mrs Maria Collins
11 Fullarton Avenue
Fullarton Park
Glasgow
G32 8NA

Claimant
Written Representations by
Ms Margaret Gribbon -
Solicitor

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Dr Akhund Chowdry
5 Cresswell Grove
Newton Mearns
Glasgow
G77 5FX

Respondent
Represented by:
Mr Tony McGrade -
Solicitor

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

30 The judgment of the Employment Tribunal is that:-

- (1) Having heard evidence, and submissions from the solicitor for the respondent, at this Preliminary Hearing, and having considered the written representations and objections previously intimated to the Tribunal by the claimant's solicitor, the Tribunal **grants** the respondent's application dated 13 March 2017, under **Rule 20 of the Employment Tribunals Rules of Procedure 2013**, for an extension of time for presenting a response and, having done so, the Tribunal **orders** that the **Rule 21** Judgment by Employment Judge McPherson dated 1 March 2017 and issued by the Tribunal on 3 March 2017 is set aside by the Tribunal;

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E.T. Z4 (WR)

- (2) Accordingly, having granted the respondent's **Rule 20** application, the Tribunal **allows** the response submitted late for the respondent on 13 March 2017, and received by the Tribunal on 14 March 2017, to be accepted by the Tribunal, and the case to proceed as defended;
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- (3) **Instructs** the clerk to the Tribunal to serve a copy of the now accepted ET3 response on the claimant's solicitor, when issuing this Judgment to both parties;
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- (4) Before listing this case for a Final Hearing in due course, on dates yet to be assigned by the Tribunal in **June, July or August 2017**, the Tribunal **orders** the case to be listed for a personal attendance, Case Management Preliminary Hearing to be held in private before Employment Judge McPherson sitting alone (Time estimate: **90 minutes**) on a date to be hereinafter intimated to parties' representatives by the Tribunal, following completion and return of date listing stencils from each party's solicitor for such a Case Management Preliminary Hearing to be held in **May or June 2017**;
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- (5) Further, having instructed that Case Management Preliminary Hearing, the Tribunal **further instructs** that the clerk to the Tribunal shall, when issuing this Judgment to both parties, send to each party's solicitor a blank Case Management Preliminary Hearing Agenda form (PIDA case) for completion and return to the Tribunal, and
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- (6) In that regard, the Tribunal **further orders** that those Agenda forms shall be completed and returned to the Tribunal by parties' representatives, as follows: -
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- (a) by the claimant's solicitor to the Glasgow Tribunal office, with copy sent at the same time to the respondent's solicitor, **within 14 days of issue of this Judgment**, and
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- (b) by the respondent's solicitor to the Glasgow Tribunal office, with copy sent at the same time to the claimant's solicitor, **within 14 days of his receipt of the duly completed Agenda from the claimant's solicitor.**

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REASONS

- 10 1. This case called before me on the morning of Tuesday, 18 April 2017, for a **Rule 20** Preliminary Hearing to determine whether or not to allow the respondents' opposed application to be allowed to lodge his ET3 response late.
- 15 2. I heard sworn evidence from the respondents' wife, Mrs Margaret Chowdry, and submissions from the respondent's newly instructed solicitor, Mr McGrade. The claimant's solicitor, Ms Gribbon, was not instructed to attend, but I took into account her written representations and objections previously intimated to the Tribunal on behalf of the claimant.
- 20 3. Having carefully considered the evidence led, and the submissions made on behalf of both parties, I announced orally, at the close of this Preliminary Hearing, that I was granting the **Rule 20** application, and I stated that I would issue a written Judgment, with associated case management orders
- 25 to regulate further procedure before the Tribunal. This I have now done in this Judgment only.
- 30 4. In terms of **Rule 62 of the Employment Tribunals Rules of Procedure 2013**, I have decided to give my Judgment in writing, as the claimant was not present nor represented at this Preliminary Hearing, her solicitor having lodged written representations, but I have reserved my Reasons, to be issued in writing later.

5. Written Reasons will follow in early course from the Tribunal.

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10 Employment Judge: Ian McPherson
Date of Judgment: 18 April 2017
Entered in register: 19 April 2017
and copied to parties

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