



THE EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr D Nandi

v

Fabiola Pagliara

JUDGMENT

(Rule 37 of the Tribunals' Rules of Procedure)

- 1. The claim is struck out on the grounds that it has no reasonable prospect of success.**

REASONS

1. The Tribunal wrote to the Claimant on the instruction of an employment judge pointing out that section 108 of the Employment Rights Act 1996 provides that the right not to be unfairly dismissed does not apply to the dismissal of an employee unless he has been continuously employed for a period of not less than 2 years ending with the effective date of termination, and that none of the recognised exceptions to this provision appeared to apply in this case. The Claimant was given until 21 October 2021 to make any representations.
2. On 20 October 2021 the Claimant replied to the Tribunal stating that he relied on one or more of the statutory exceptions. The Tribunal therefore listed the case for a case management hearing to consider an application to amend the claim to rely on such an exception.
3. At that hearing the Tribunal refused the application to amend.
4. It follows that the Claimant has not shown a reason why the claim should not be struck out on the grounds that it has no reasonable prospect of success.

Employment Judge Glennie

Dated:31 January 2022.....

Judgment sent to the parties on:

01/02/2022.

For the Tribunal Office