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EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 8000976/2024

**Final Hearing
Held on the Cloud Video Platform
on 10 September 2024**

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Employment Judge A Jones

Ms S Kwok

**Claimant
In person**

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China Café Ltd

**Respondent
No appearance**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Tribunal does not have jurisdiction to determine the claimant's claims.

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Reasons

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1. The claimant lodged a claim on 4 July 2024 claiming unpaid wages in respect of notice pay and holiday pay. She also claimed unfair dismissal. However, the claimant did not have sufficient service for the Tribunal to have jurisdiction to determine a claim of unfair dismissal.

E.T. Z4 (WR)

2. No response was received to the claimant's claims and the case was listed for a final hearing. Prior to the hearing, having checked the register of Companies House, I noted that the respondent company had been dissolved on 16 July 2024. I therefore explained to the claimant that it was not possible to proceed with a claim against a dissolved company. I explained that in order to proceed with such a claim it would be necessary for the claimant to make an application at the Ordinary Courts for the company to be reinstated to the register.
3. In addition, I noted that the claim had been lodged more than 3 months after the termination of the claimant's employment. The claimant's last day of work had been 24 January 2024. The claimant explained that she had sought to discuss matters with the respondent and that she had received a P45 which stated that her employment had terminated on 2 April. However, the claimant was aware that she had not been working in the period between January and April and I was not convinced that this made it not reasonably practicable to have lodged a claim within 3 months of the date of termination of her employment. However, given that the claim could not proceed, I did not find it necessary to determine this issue.
4. Finally I highlighted to the claimant that she may wish to contact the Government Redundancy Payment Service or take advice on other ways in which she might be able to recover any unpaid wages.

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Employment Judge: A Jones
Date of Judgment: 10 September 2024
Entered in register: 11 September 2024
and copied to parties