



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4103317/2022

B McEachan

Claimant

Kura (CS) Limited

Respondents

JUDGMENT

The claim is struck out under rule 37 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 on the grounds that the claim has not been actively pursued in terms of rule 37(1)(d)

REASONS

1. The Claimant has brought a number of claims against the Respondent. The Respondent defends the claims and raises the preliminary issues that the Claimant has transferred from them to another employer under the Transfer of Undertakings (Protection of Employment) Regulations 2006. As a result they argue that any liability in respect of these claims has transferred to the transferee by virtue of Regulation 4 of the 2006 Regulations.
2. The Claimant does not dispute that he was transferred to another employer.
3. The issue was discussed at a Preliminary Hearing before EJ McFatridge on 15 August 2022 and an Order was made for the Claimant to confirm whether he

accepted that the claim against the Respondent should be dismissed and, if not, to set out the legal basis on which he says he is entitled to a remedy against them. He was also to confirm whether he wished to add the transferee as a respondent. The Order was to be met by 29 August 2022.

4. The Claimant did not comply with the Order by this deadline or at any time.
5. On 5 September 2022, the Tribunal wrote to the Claimant to seek compliance with the Order and extending the time to 12 September 2022. The letter warned that his claim could be struck out. There was no reply to this letter.
6. On 20 September 2022 the Tribunal gave the claimant an opportunity to give written reasons by 3 October 2022 or to request a hearing in order to consider why the claim should not be struck out.
7. The claimant has failed to give an acceptable reason why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim

Employment Judge: Peter O'Donnell
Date of Judgment: 04 October 2022
Entered in register: 05 October 2022
and copied to parties