



EMPLOYMENT TRIBUNALS

Claimant: Mr J Hirst

Respondent: 10/10 Medical Limited

HELD AT: Manchester (by CVP)

ON: 7 February 2023

BEFORE: Employment Judge Johnson

REPRESENTATION:

Claimant: unrepresented

Respondent: Mr M Wishart (senior litigator)

JUDGMENT

The judgment of the Tribunal is that:

- (1) The claim brought by the claimant against the respondent is dismissed because the complaints identified in this claim were the subject of an ACAS COT3 which was settled through ACAS on 7 October 2022, and which included the respondent as one of the 4 named potential respondents who were subject to the terms of the COT3.
- (2) The claimant had presented a complaint to the Tribunal on 7 October 2022 under the same case number above and which named the following respondents (and with their ACAS early conciliation certificate numbers recorded and those claims included within the COT3 marked in bold type):
 - a) **Mohammed Kemal Miah Shah** (ECC R224670/22/23)
 - b) **Danny John Spenser** (ECC R224669/32/32)
 - c) Bhautik Shukla (ECC R237363/22/52)
 - d) **Sanjay Das** (ECC R224671/22/14)
 - e) **10/10 Medical Limited** (ECC R224668/22/41) (named in COT3)
 - f) BBS4TAX Ltd (ECC R237364/22/43)
 - g) Bina Shukla (ECC R237364/22/43)

The claimant has since withdrawn his complaints against all of the respondents other than 10/10 Medical Limited and judgments dismissing the relevant claims upon these notices of withdrawal have been made by the Tribunal.

- (3) For the avoidance of doubt, this means that 10/10 Medical Limited is now the sole remaining respondent in these proceedings.
- (4) Paul Bond of ACAS confirmed on 7 February 2023 that a COT3 agreement was reached with the claimant and 10/10 Medical Limited on 7 October 2022 under ECC R224668/22/41 and it is therefore clear that the Tribunal should not have accepted this claim as the parties had reached a relevant settlement on that date, (7 October 2022 being the same date as when the claim form was presented to the Tribunal).
- (5) As a consequence, the Tribunal does not have jurisdiction to hear the claim brought against the remaining respondent 10/10 Medical Limited in these proceedings and the claim must be dismissed.

Employment Judge Johnson

Date 7 February 2023

JUDGMENT SENT TO THE PARTIES ON
13 February 2023

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.