



EMPLOYMENT TRIBUNALS

London South Employment Tribunal

Claimant: Tindo Manavalan

Respondent: Kingston Hospital NHS Foundation Trust

JUDGMENT

The claim for (automatic) unfair dismissal is **struck out** (r.39(4)).

Reasons

1. At a Case Management Hearing on 1 February 2024, following careful consideration, Employment Judge T R Smith determined that it was necessary, proportionate, and just to make a Deposit Order (pursuant to r.39 of The Employment Tribunals Rules of Procedure 2013 (as amended)) requiring the Claimant to pay a deposit of £500 in order to continue his claim for automatically unfair dismissal.
2. The Claimant was granted a period of 28 days from the date on which the Order was sent to the parties to pay the deposit – and thereby satisfy the Order.
3. The Order was sent to the parties on 26 February 2024. The Claimant, therefore, had until 25 March 2024 to pay the deposit.
4. On 8 March 2024, in a lengthy email, the Claimant acknowledged receipt of the Order and that the deadline for satisfying it was approaching. He then entered a lengthy exposition of what he described as failings by the Respondent. None of which were material to the question of whether he had, had not, or would – as required – satisfy the Deposit Order.
5. In that email he asks for an extension of time in which to pay the deposit to “...a week after the Respondent has complied with the data subject access request [DSAR]...”. I note that he had, earlier in the email, complained that the Respondent was in breach of data protection law by not complying with his DSAR within 2 months. He goes on to conflate his DSAR with the perfectly regular case management orders made by the learned Judge on 1 February in relation to disclosure for the case before this Tribunal.
6. For the avoidance of doubt, Judge Smith’s orders were not a remedy for any alleged failure by the Respondent to answer the DSAR of the Claimant. They could not be since this Tribunal has no jurisdiction in such matters.
7. For the further avoidance of doubt, the conjoining of this Tribunal’s Deposit Order with the Respondent’s obligations under any data protection law is entirely without merit.
8. I refuse the application for an extension of time for the Claimant to comply with the Deposit Order.
9. As the Claimant did not pay the Deposit Order in the time required of him, **the claim for**

(automatic) unfair dismissal is struck out under r.39(4) of The Employment Tribunals Rules of Procedure 2013 (as amended).

10. That being the only extant claim, the case is closed subject to what follows.
11. Nothing in this judgment shall have any effect on the judgment entered by the learned Judge on 1 February 2024 in respect of a breach of contract in relation to notice pay.

Judge M Aspinall
(sitting as an Employment Judge)
Friday, 12th April 2024

Sent to parties on
Thursday 18th April 2024

FOR THE TRIBUNAL OFFICE

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