Neutral Citation No: [2025] NICA 24	*Ref:* **HUM12774**
	ICOS No: **24/87944**
*Judgment: approved by the court for handing down (subject to editorial corrections)**	*Delivered:* **28/05/2025**

IN HIS MAJESTY'S COURT OF APPEAL IN NORTHERN IRELAND

ON APPEAL FROM THE OFFICE OF INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL

Between:

SURESH DEMAN

Appellant

and

QUEEN'S UNIVERSITY BELFAST

Respondent

The appellant was unrepresented
Barry Mulqueen (instructed by Lewis Silkin (NI) LLP) for the Respondent

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Before: Keegan LCJ, Humphreys J and Kinney J

HUMPHREYS J *(delivering the judgment of the court)*

Introduction

[1] On 27 June 2019 the respondent, Queen's University Belfast ('QUB'), advertised for the position of Senior Lecturer/Reader in Management. The appellant applied for this role in July 2019, together with some 14 other candidates. On 13 August 2019 a shortlisting panel met to review each of the applications. It did not select the appellant to go forward for interview. Three candidates were shortlisted and one was ultimately successful.

[2] On 2 November 2019 the appellant made an application to the Industrial Tribunals and the Fair Employment Tribunal ("the tribunal") alleging that QUB had unlawfully discriminated against him on the grounds of his race and religious beliefs, and that he had been victimised.

[3] A hearing took place before the tribunal over the course of 10 days between June and August 2023 at the conclusion of which the tribunal invited and received written submissions from the parties. On 15 August 2024 judgment was handed down, dismissing the appellant's complaints in their entirety.

[4] The appellant, being dissatisfied in point of law with the tribunal decision, appeals to this court pursuant to Article 90 of the Fair Employment and Treatment (Northern Ireland) Order 1998 ('the 1998 Order'), Article 22 of the Industrial Tribunals (Northern Ireland) Order 1996 and Order 60B of the Rules of the Court of Judicature (Northern Ireland) 1980.

Litigation history

[5] In a judgment of this court delivered in April 2022, *Deman v QUB* [2022] NICA 23, McCloskey LJ set out at paras [4] to [8] some of the history of litigation which has taken place between the appellant and QUB, his former employer, and with other entities.

[6] As is recorded, the appellant became the subject of a restriction of proceedings order in England & Wales in 2006 when the Employment Appeal Tribunal ("EAT"), on the application of the Attorney General, found that he had:

(i) Habitually and persistently instigated vexatious proceedings before the employment tribunals; and

(ii) Habitually and persistently made vexatious applications for adjournments of proceedings, for witness orders and for the recusal of tribunal members.

[7] In its judgment, reported as *HM Attorney General v Deman* [2006] UKEAT 0113/06/RN, the EAT recorded at least 40 claims brought by the appellant in the employment tribunals between 1996 and 2005 mainly alleging racial discrimination against him by academic institutions in respect of some 70 posts for which he was not shortlisted or appointed. Underhill J set out in detail the history of many of the appellant's applications and the basis for the conclusion that there was simply no evidence of racial discrimination in any of the cases. It is evident that the appellant's conduct regularly included:

> "wanton allegations of bias and racism against lawyers, Tribunal staff and Tribunal members" (para [190]).

[8] The appellant also has a history of pursuing private law proceedings, engaging the statutory torts of discrimination. In *Deman v The Commission for Equality and Human Rights* [2010] EWCA Civ 1279, the appellant pursued claims against the Commission and individual officers, alleging that decisions not to support his litigation were motivated by racial discrimination. Sedley LJ observed that this unsuccessful case:

> "… displays once more the vices of prolixity and unsupported assertion which drove the EAT to bring some at least of his activity to a halt." (para [4])

[9] In the 2022 judgment of McCloskey LJ, this court found that the appellant had "engaged in delaying and diversionary tactics", including repeated applications for the adjournment of substantive hearings and for recusal of members of the judicial panel. In the latter regard, specific allegations were made of "collusion" between "institutionally religious and racist public bodies" and "Roman Catholic members of the judiciary." The appellant's recusal application was found to possess not a scintilla of merit and to be entirely lacking in any evidential foundation (see paras [9] to [17]).

[10] As will become evident, there are strong echoes of this litigation history throughout the subject appeal and its antecedent tribunal proceedings.

The hearing of the appeal

[11] The instant appeal was first listed for review before this court on 23 October 2024. The day before, the appellant indicated that he had suffered a family bereavement and would be unable to attend. He also provided travel documentation to the effect that he would be in India from 1 November 2024 to 2 February 2025. The respondent proposed that a review hearing be convened, with the facility for the appellant to attend remotely, in order that directions be made towards the hearing of the appeal. The appellant responded, stating that it was "not appropriate to list a review by way of a remote hearing."

[12] The court determined to issue directions administratively, listing the appeal for hearing on 4 March 2025, with a review on 6 February, and including standard form directions for skeleton arguments, bundles and authorities. These directions were sent to the appellant on 14 November 2024.

[13] On 17 January 2025, the appellant issued a summons, supported by a witness statement, seeking to set aside the November directions and inviting the Lady Chief Justice to recuse herself. The statement relied upon is replete with allegations of bias and discrimination being perpetrated by members of the "Roman Catholic judiciary."

[14] On 5 February 2025, the day before the review hearing, the appellant contacted the court office to state that he had been the victim of an assault and had sustained injuries which meant that he would be unable to attend the review or comply with the court's directions.

[15] The court then issued amended directions, making provision for an interlocutory hearing on 25 February 2025 to address, inter alia, any medical issues. The appellant responded on 18 February with an affidavit, repeating his claims of religious and racial bias and seeking the setting aside of directions and recusal.

[16] On 20 February 2025 the respondent filed its skeleton argument, chronology and core propositions in accordance with the court's directions.

[17] On 21 February 2025 the appellant forwarded to the court medical evidence in which a Dr Shyam Singh Kachhawaha, of the MPMH Hospital in Jaipur, advised that by reason of an ENT issue, he was of the opinion that the appellant would not be fit for court or tribunal hearings for six weeks from 4 February. It was also apparent that the appellant had an appointment to see an ENT Consultant in London on 28 February 2025.

[18] Having considered the evidence, and the objections put forward by the respondent's representatives, the court vacated the hearing date of 4 March and re-listed the appeal for 10 April 2025. It was also directed that a medical report be provided by 14 March, following on from the appointment on 28 February.

[19] The report generated by this appointment revealed that the appellant had suffered some left sided moderate to severe hearing loss. He was referred to audiology for a hearing aid and for an MRI scan. Dr Kachhawaha in Jaipur was sent a copy of this ENT report and opined that the appellant was not fit for a further six weeks for any court hearings. No reason was given for this conclusion nor was any similar view expressed by the consultant who carried out the examination in London. It was evident to the court that the appellant had been fit to travel from India to the UK and to engage with the doctors carrying out medical examinations. As a result, it was determined that the appeal could proceed on 10 April with the appellant being offered the facility to attend the hearing remotely and to engage the assistance of a McKenzie Friend should he so wish.

[20] The appellant renewed his application for an adjournment on 8 April, enclosing a letter from a GP Dr Harris which stated:

> "This gentleman is awaiting an MRI and hearing aid on 28 April 2025. He will be unable to take part in court hearings until such time as this is completed."

[21] Again, no reason is given for the stated opinion. It was wholly unclear to the court why waiting for an MRI or a hearing aid would render a litigant unable to participate in proceedings. It was therefore determined that the appeal should proceed, either through remote attendance or by consideration of the papers. The appellant's response to this course of action was to complain again about "Roman Catholic racists."

[22] The appellant did not appear at the hearing on 10 April either remotely or in person. In the circumstances, the court decided to proceed to a paper determination of the appeal. In doing so, it reminded itself of the principles set out by McCloskey LJ in the 2022 *Deman v QUB* judgment at paras [18] to [22] and concluded that, in light of

the nature of the appeal and the voluminous submissions already available to it, the court was able to adjudicate fairly on the appeal in the absence of oral submissions. In doing so, the court has had the benefit of:

(i) The tribunal pleadings, including a document entitled 'Agreed Legal and Factual Issues' dated 13 August 2021;

(ii) The witness statements prepared for the tribunal hearings;

(iii) The documents furnished by way of discovery in the tribunal proceedings;

(iv) The detailed written submissions of the parties;

(v) The tribunal's judgment; and

(vi) The appellant's extensive grounds of appeal.

[23] The court was made aware that the appellant had sought transcripts of the evidence of the hearing from the tribunal office. In the event, no such transcript was provided to the appellant. Appeals to the Court of Appeal from the tribunals are confined to points of law. It will be the exception, rather than the rule, that a transcript of evidence is either necessary or proportionate in order for this court to dispose fairly of an appeal. In most cases, the court will only need to examine the materials which were before the tribunal and its reasoned decision. There was no reason in this appeal to depart from that general rule.

The appellant's complaints

[24] The agreed paper on legal and factual issues distilled the appellant's complaints as follows:

(i) Whether he was subject to direct discrimination by QUB contrary to Article 3(1)(a) of the Race Relations (Northern Ireland) Order 1997 ('the 1997 Order');

(ii) Whether he was subject to less favourable treatment on the grounds of certain protected acts contrary to Article 4 of the 1997 Order;

(iii) Whether he was subject to indirect discrimination contrary to Article 3(1A) of the 1997 Order by reason of the application of the shortlisting criteria;

(iv) Whether he was subject to direct discrimination by QUB contrary to Article 3(2A)(a) of the 1998 Order;

(v) Whether he was subject to less favourable treatment on the grounds of certain protected acts contrary to Article 3(4) of the 1998 Order;

(vi) Whether he was subject to indirect discrimination contrary to Article 3(2A)(b) of the 1998 Order by reason of the application of the shortlisting criteria.

The recusal application

[25] The tribunal was constituted of Employment Judge Browne ('EJ Browne') and two lay members, Mr McKnight and Ms McReynolds. At the outset of the tribunal hearing, the respondent made an application for the recusal of EJ Browne, which was supported by the appellant. In October 2019, EJ Browne and two panel members had given a judgment dismissing the appellant's claims of race and religious discrimination, a decision which led on appeal to the 2022 judgment of this court.

[26] The recusal application was founded on the similarity of the instant case to the one determined in 2019. In particular, the question of the appellant's publication record was in issue in both sets of proceedings.

[27] The application was rejected by the tribunal which was referred to the well-known test in *Porter v Magill* [2002] UKHL 67:

> "The question is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased."

The evidence

[28] The appellant is of Indian ethnic background and whilst he is an atheist, his perceived religious belief is that of Hinduism. His evidence was that he was employed by QUB in 1994/5. Following his dismissal, he had applied for various posts but found that a criterion had been applied which rendered him ineligible to apply for any job at QUB.

[29] Various tribunal claims were settled in 2005 by way of a compromise agreement. One of the terms of this agreement provided that the appellant would not apply for any post within QUB for a further period of five years.

[30] In 2017 the appellant applied for the post of Professor in Finance at the QUB Management School. He was not shortlisted for this position and thereafter instigated the tribunal proceedings which culminated in the 2022 judgment of this court. His complaints of unlawful discrimination on the grounds of race and religious belief were dismissed by the tribunal, a decision which was upheld on appeal.

[31] In these proceedings, the appellant gave evidence himself and also called Professor Vrajaindra Upadhyay as an expert witness in support of his claims. Prof Upadhayay was provided with the job advertisement, the appellant's CV and the panel's shortlisting notes, together with the reasons provided for rejection. He did not assess the merits of any other candidate but nonetheless concluded:

> "Dr Deman is a highly suitable candidate for senior lecturer/reader position at the Queen's University School of Management and not only should he have been shortlisted but he should have also appointed [sic]."

[32] The appellant said that the real reason for his non-selection for interview was that the ineligibility criterion continued to apply to him and that he was of Indian origin and a perceived Hindu.

[33] The respondent called Professor David Phinnemore, Professor of European Politics, Professor Nola Hewitt-Dundas, Professor of Innovation Management and Pro-Vice Chancellor, and Ms Clare Briggs, Head of Human Resources, to give evidence.

[34] The Candidate Information booklet for the advertised position set out the relevant essential and desirable criteria for the post. One of the essential criteria was:

> "Extensive record of research publications in internationally ranked refereed journals in either Business Analytics or Operations Management."

[35] Under the QUB Appointments Procedure, paragraph 12.ii of Part B, the shortlisting panel had authority to enhance the criteria at this stage. In order to evaluate the research publications requirement, the shortlisting panel determined that each candidate should have five to six publications which were of at least three star quality and were Research Excellence Framework ('REF') returnable in 2021.

[36] Following the individual shortlisting exercise, the members of the panel met and agreed that the appellant did not meet this criterion, commenting:

> "Publication record not extensive in subject area of the expected quality for inclusion in REF 2021."

[37] Professor Phinnemore chaired the shortlisting panel. He gave evidence that he had no prior knowledge of the litigation history between the appellant and QUB. If he had, he would have directed members to ignore it and to apply solely the shortlisting criteria. He also gave evidence that if the appellant had remained subject to the ineligibility criterion, his application would have been removed and not considered by the shortlisting panel. He stated that neither race nor religion played any role in the shortlisting or appointment decisions. The shortlisting decisions were arrived at on a consensus basis having considered each member's comments and recorded accordingly.

[38] Professor Hewitt-Dundas had originally found that the ultimately successful candidate ought not to be shortlisted but at the panel meeting it was agreed that he

did meet the criteria, albeit only for the post of Senior Lecturer and not for the more senior position of Reader.

[39] Professor Hewitt-Dundas was aware of the previous claim brought by the appellant in 2019 in her capacity as Head of School. In evidence, she stated that this had no bearing on the shortlisting decision in this competition.

[40] In relation to the appellant, the panel concluded that his publications profile fell short of the level required by the relevant essential criterion. It found that there was no record of refereed journal articles since 2011 and that he had not met the requirement in relation to an "extensive record of research."

[41] Three candidates were shortlisted for interview, one white British Protestant, one Chinese of no religion and one other Asian candidate of no religion. The appellant described this as a "typical ploy of the respondent to inject a white RC or Protestant" and asserted that the Chinese candidate was shortlisted only to create a comparator to fight a future claim.

The tribunal's findings and conclusions

[42] In its decision, the tribunal recites and refers to the evidence received by it and then set out the relevant law under both the 1997 and 1998 Orders. It correctly identifies the "shifting burden of proof in discrimination cases" albeit it erroneously references the statutory provision in the Disability Discrimination Act 1995 rather than Article 52A of the 1997 Order and Article 38A of the 1998 Order. The tribunal sets out the relevant authorities on this issue from paras [62] to [80]. At para [81] it states:

> "The task of the tribunal in this case included assessing the likelihood of the claimant's case that the respondent instructed or expected the shortlisting panel to deliberately sideline an applicant, who otherwise might be better qualified and suitable to meet the rigorous requirements of the role than those selected, tainted by being on the basis of their race or religion, or perceived religion. Alternatively, that such action by the members of the selection panel was because of an inherent predisposition of sufficient of its members to discriminate, unconsciously and collectively to do so."

[43] Having considered the evidence, the tribunal made the following findings:

(i) The process described by the respondent was methodical and transparent;

(ii) The criteria were painstakingly applied by Professors Phinnemore and Hewitt-Dundas;

(iii) The appellant's expertise was of some vintage and in a subject very different from that required in the competition, to be contrasted with the recent and relevant work of other candidates;

(iv) The claim of victimisation as a result of the 2005 compromise agreement was unsupported by any evidence;

(v) There was no evidence that Professor Hewitt-Dundas had any axe to grind with the appellant as a result of the previous shortlisting challenge brought by him;

(vi) The fact that Professor Hewitt-Dundas had originally concluded that the ultimately successful candidate should not be shortlisted significantly undermined the claim that there was a preconceived plan to appoint that candidate;

(vii) There was no evidence that the panel had discussed the appellant's application in advance, yet all identified the shortcomings in the application;

(viii) The evidence revealed a cogent audit trail of uniformly applied selection criteria;

(ix) The procedure used by the respondent was the 2018 recruitment policy and there was no evidence that the application of the previous 2015 policy would have benefited the appellant;

(x) The evidence relating to other rejected candidates revealed similar deficiencies in relation to publication outputs and research;

(xi) The appellant had himself written Professor Upadhyay's witness statements and the conclusions were significantly undermined by the lack of consideration of any other candidate's application. This evidence was of no material benefit to the appellant's case.

[44] As a result, the tribunal found that the appellant had failed to raise any issue from which it might conclude that there was any evidence suggestive of less favourable treatment by it of the claimant on the ground of race or religion. It was also concluded that there was no evidence of any manipulation of the process which may have disadvantaged the appellant on the basis of either race or religion.

[45] The tribunal also found no evidence of some wider conspiracy to deny the university and its students of the services of someone who was eminently suitable for the role on racial and/or religious grounds.

[46] For these reasons, all the appellant's claims were dismissed.

The grounds of appeal

[47] The appellant advanced the following grounds of appeal:

(i) Predisposition and bias of the tribunal;

(ii) Error of law in the application of discrimination jurisprudence, perversity and want of reasons;

(iii) Procedural unfairness;

(iv) The ineligibility condition resulted in victimisation;

(v) The tribunal failed to consider the claims of indirect discrimination and victimisation;

(vi) The tribunal erred in law in failing to draw an adverse inference.

Bias

[48] The appellant says that EJ Browne ought to have recused himself and also makes various claims that the respondent's counsel was allowed to interject during cross-examination and that, more generally, the employment judge was biased against people of ethnic minority backgrounds.

[49] The leading authority on this issue remains *Porter v Magill*, and this court, in considering a recusal decision by an inferior court or tribunal, can look at the matter afresh. In doing so, it will apply the standard of the fair-minded and informed observer.

[50] In *Locabail v Bayfield* [2000] QB 451, the Court of Appeal held that:

> "The mere fact that a judge, earlier in the same case or in a previous case, had commented adversely on a party or witness, or found the evidence of a party or witness to be unreliable, would not without more found a sustainable objection."

[51] Equally, in *Shaw v Kovac* [2017] EWCA Civ 1028 Davis LJ stated:

> "But that she personally would not wish to have sitting on this appeal two judges who have previously been involved in decisions adverse to her cannot of itself procure a recusal. The law is clear. The test is objective. The outcome cannot be determined by the subjective views or wishes of the objecting party." (para [25])

[52] The tribunal was satisfied in the circumstances that a fair-minded and informed observer would not conclude that there was a real possibility of bias, no doubt cognisant of the words of Lord Bingham CJ in *Locabail*.

[53] This court can find no error of law in the tribunal's approach to the request for recusal nor any evidence to substantiate the claims of predisposition and bias made by the appellant.

Error of law

[54] There was an issue before the tribunal as to whether the appointment and selection process was governed by the QUB Appointments Procedure 2015 or that which was issued in 2018. The tribunal found it was the latter. This was a determination which the tribunal, having considered the evidence, was entitled to arrive at. No error of law in the reasoning of the tribunal has been established.

[55] Having reviewed both documents, we cannot identify any material distinction between the two procedures. There is nothing which would have made any material difference to the process being undertaken nor to the appellant's claims of discrimination or victimisation.

[56] The appellant makes the case that an external assessor ought to have been appointed to the selection panel. Paragraph 16 of the 2018 Procedure states:

> "An external assessor may be invited to participate as part of a recruitment panel where it is considered necessary to provide expert advice and guidance to panels on the suitability of candidates."

[57] There is no material difference between this provision and the relevant section of the 2015 Procedure. There is no obligation to appoint an external assessor but a discretion to do so when it is considered necessary. The appellant has not shown any basis for his contention that the failure to appoint such an assessor was itself unlawful, nor how it is said the lack of an external assessor placed him at any disadvantage.

[58] The appellant attacks the decision of the panel to enhance the essential criteria for the post, arguing that this was done specifically to exclude him and his fellow Hindus from the process. The tribunal itself identified:

> "It was also a notable feature of the claimant's application that his expertise was not only of some vintage but also was in a subject very different from that required in this competition. The other candidates had significant advantage over him from the outset, in that their relevant work was measurably more recent, in more highly-regarded publications." (para [87])

[59] Having heard the relevant witnesses, the tribunal found that the process adopted was "methodical and transparent" and that the criteria were "painstakingly applied." These were findings which the tribunal was entitled to arrive at and which cannot be impeached by the appellant.

[60] Properly analysed, the appellant's arguments are complaints about the tribunal's findings of fact and conclusions. They do not disclose any error of law on the tribunal's part. As Girvan LJ stated in *Carlson Wagonlit Travel v Connor* [2007] NICA 55:

> "… the decision of the Tribunal must stand unless the Tribunal made an error of law in reaching its conclusions; based its conclusions of material findings of fact which were unsupported by the evidence or contrary to the evidence; or the decision was perverse in the sense that no reasonable tribunal properly directing itself could have reached such a decision." (para [25])

[61] The tribunal's decision in this case could not be categorised as perverse. It set out the relevant law, summarised the evidence heard, made findings and reached conclusions, giving coherent reasons for so doing.

Procedural unfairness

[62] The tribunal found, on the evidence, that the criteria had been properly applied and the appellant was not subjected to any unfair disadvantage. The appellant was afforded every opportunity to challenge the respondent's witnesses and to present his own case. No error of law in arriving at this conclusion has been identified.

[63] The appellant also alleges that the tribunal hearing itself was unfair in that certain witnesses were not called and others told lies. Assessment of the evidence is a central part of the tribunal's function. Simply because the appellant does not agree with the outcome does not give rise to an error of law which can be relied upon in an appeal.

The ineligibility criterion and victimisation

[64] The appellant maintains that the agreement entered into in 2005 between him and QUB whereby he would not apply for any post for a period of five years has been expanded into an "ineligibility criterion" which continues to prevent him from seeking any role with the respondent.

[65] The existence of such a criterion was not found by the tribunal. It stated:

> "The claimant stated in his evidence that this was a continuing "blanket ban" by the respondent upon him ever being appointed. The respondent completely denied that this was the case, and that, after the compromise agreement expired in 2010, any applications by him were considered only upon the objective suitability criteria. It also pointed out that the claimant, whilst previously unsuccessful in other applications, had not been barred from doing so after the expiry of the compromise agreement." (para [43])

[66] The evidence in the case revealed that the appellant had applied for a number of posts since 2009 and had never been rejected on the basis of any purported criterion. Moreover, had any such ineligibility criterion been in play, the appellant's application would not have been the subject of consideration at all.

[67] The finding of the tribunal on this issue is unimpeachable.

Indirect discrimination and victimisation

[68] The tribunal stated:

> "He also alleged a hybrid of direct and indirect discrimination, in alleging that the panel changed the applicable criteria, with the intention or effect of disadvantaging him on the grounds of his race and or his (perceived) religion. It was never made clear by the claimant what criteria were changed; nor how he was disadvantaged, either directly or at all, by any procedure, criterion or practice; or by reference to his race or religion." (para [83])

[69] This finding was sufficient to dispose of the claim of indirect discrimination. In order to advance such a case, a claimant must demonstrate that there was in play a provision, criterion or practice which placed him at substantial disadvantage as compared to others because of his race and/or religious beliefs. Insofar as the criterion alleged was the enhanced criterion applied in respect of the extensive record of publications, there was no evidence that this gave rise to any substantial disadvantage to those of a particular race of religious belief. The failure to do so was fatal to this contention and the tribunal was entitled to reject it in summary terms.

[70] The claim of victimisation was also rejected by the tribunal since it did not find that the rejection of the appellant's application was in any way related to previous claims which he had advanced.

[71] There is no basis to argue that the conclusions reached on the indirect discrimination and victimisation claims were in any way infected by an error of law.

Adverse inference

[72] It is, and was, the appellant's case that the conduct of the respondent was such that it called for the drawing of an adverse inference that its decision not to shortlist the appellant was motivated by racial and/or religious discrimination.

[73] In *Royal Mail v Efobi* [2021] UKSC 33, the Supreme Court considered an appeal on the basis of the failure by a tribunal to draw an adverse inference and held:

> "To succeed in an appeal on this ground, the claimant would accordingly need to show that, on the facts of this case, no reasonable tribunal could have omitted to draw such an inference. That is, in its very nature, an extremely hard test to satisfy."

[74] The findings of the tribunal in this case are clear in that it accepted the direct evidence of the respondent's witnesses on the application of the shortlisting criteria. In such circumstances, it could not represent an error of law to fail to draw an inference which is directly opposed to a primary finding of fact. This ground of appeal is manifestly misconceived.

Conclusion

[75] For the reasons set out, this appeal must be dismissed.

[76] In doing so, this court endorses the comments made by McCloskey LJ in the 2022 judgment at para [73] when he referenced:

> "… multiple instances of allegations by the Appellant of professional misconduct of the most egregious kind, levelled blithely and gratuitously against judicial office holders, tribunal members and legal practitioners. This court, being an independent and impartial tribunal, considers it appropriate, in common with Girvan LJ, to stand back and adopt a panoramic view of the landscape of this appeal. There are many descriptions which could legitimately be applied to the formulation and presentation of the appellant's case. Venom, acrimony, distortion, invention and bare unsubstantiated assertion are its main hallmarks."

[77] Regrettably, this appeal bears the same characteristics. In his grounds of appeal, the appellant has made scurrilous and wholly unfounded allegations against

the respondent's legal advisors, employment judges and judges of this court. These are wanton and baseless and are rejected by this court in their entirety.

[78] As a result of this, the relevant previous litigation decisions and the correspondence from the appellant, we have determined to refer the appellant to the Attorney General for Northern Ireland in order that she may decide whether to bring a restriction on proceedings application under section 32 of the Judicature (Northern Ireland) Act 1978.

[79] We order that the appellant pay the costs of this appeal, such costs to be taxed in default of agreement.