



# Employment Court of New Zealand

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## FHE v Auckland Transport [2025] NZEmpC 232 (29 October 2025)

Last Updated: 1 November 2025

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2025\] NZEmpC 232](#)

EMPC 411/2025

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
BETWEEN	FHE Plaintiff
AND	AUCKLAND TRANSPORT Defendant

Hearing: 8 October 2025 (Heard at Auckland)  
Appearances: Plaintiff in person  
C Parkhill and R Bommoju, counsel for the  
defendant  
Judgment: 29 October 2025

### JUDGMENT OF JUDGE KATHRYN BECK

[1] On 8 October 2025, the Court heard a challenge by the plaintiff, FHE, to a determination of the Employment Relations Authority in which FHE's application for interim reinstatement was declined.<sup>1</sup>

[2] The challenge was pursued by way of a de novo hearing and heard on a priority basis. It is solely concerned with whether FHE ought to be reinstated to their role as a parking officer at Auckland Transport on an interim basis. It does not decide whether FHE was unjustifiably disadvantaged or dismissed. Nor does it decide whether, if FHE was unjustifiably dismissed, they will be reinstated on a permanent basis, or what additional/or other relief they might be entitled to.

1 *FHE v Auckland Transport* [\[2025\] NZERA 548](#).

FHE v AUCKLAND TRANSPORT [\[2025\] NZEmpC 232](#) [29 October 2025]

[3] This judgment summarises the Court's main conclusions and its formal orders, so that the parties know where they stand. Reasons for the judgment will follow as soon as practicable.

[4] As is usual for applications of this sort, evidence was produced by way of affidavits and as such, the Court proceeds on the basis of untested evidence until the substantive hearing.

[5] I am satisfied to the necessary threshold that FHE has an arguable case for unjustified dismissal with some serious or arguable, albeit not certain, prospects of success. FHE also has a case for permanent reinstatement, although not a particularly strong one.

[6] However, at an interim stage where the justification for the dismissal has not been properly tested, the practicality and reasonableness of reintegration is considerably less. The alleged conduct of FHE, and the nature of the allegations made by a complainant, is relevant to that assessment.

[7] Standing back and looking at the position overall, I am satisfied that an order for interim reinstatement is not in the

interests of justice. The application for interim reinstatement is unsuccessful.

[8] The Authority made non-publication orders over the name of the applicant in this matter, and the names and identifying details of a person who made a complaint about the applicant, and the complainant's mother. On 10 September 2025, I directed that the non-publication orders made in the Authority were to continue in this proceeding on an interim basis pending further order of the Court. The Court will use the same alphabetic identifiers as those used in the Authority.

Kathryn Beck Judge

Judgment signed at 12.30 pm on 29 October 2025

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