

Peter McRoberts, Partner and Head of the Employment department at Payne Hicks Beach features in the article concerning the successful hearing at a London employment tribunal when his client, Rohan Ramchandani, won his unfair dismissal case, first published in Law 360 online on 11 August 2020 and reproduced with kind permission

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Acquitted Former Citi Trader Wins Unfair Dismissal Case

By [Richard Crump](#)

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Law360, London (August 11, 2020, 4:41 PM BST) -- A former [Citibank NA](#) trader acquitted of manipulating foreign exchange markets has won an unfair dismissal case against the bank but cannot get his job back, a London employment tribunal has ruled.

Employment Tribunal Judge Alison Russell ruled in favor of Rohan Ramchandani, who was sacked from his job as head of European foreign exchange trading in 2014, but rejected his request to be reinstated, saying it would not be practicable.

In a ruling published July 30, Judge Russell criticized Citi's "unreasonable failure" to follow its own disciplinary process when it fired Ramchandani over his participation in chatrooms with currency traders at rival banks but held the conduct would nevertheless have justified his dismissal.

Judge Russell said that the safeguard of a fair disciplinary process is a "fundamental requirement of employment law and a fair dismissal," even where the employee has committed an act of gross misconduct.

But despite the "fundamental wrong" of failing to follow any disciplinary process, she was satisfied that the nature of the conduct meant that even if a fair disciplinary process was followed, the bank could and would have fairly decided to dismiss Ramchandani.

"I have concluded that the claimant had committed culpable acts of misconduct in breach of his contract of employment," Judge Russell said. "This was foolish, blameworthy behavior which caused his dismissal."

Ramchandani was among three London-based traders [acquitted](#) by a New York jury in October 2018 of charges that they rigged the market from 2007 to 2013 by coordinating their trading through a chatroom dubbed 'The Cartel.' Traders from [Barclays PLC](#) and JPMorgan were also acquitted.

The banks themselves were among a group of financial institutions that pled guilty to criminal charges in May 2015. They agreed to pay \$5.6 billion to settle U.S. and U.K. claims over the manipulation of global foreign exchange markets.

Ramchandani alleged in an October employment lawsuit that he was fired without due process after he cooperated with Citi as it conducted an internal investigation beginning in 2013 following news reports of looming probes by the [U.S. Department of Justice](#) and the U.K.'s [Financial Conduct Authority](#).

Citi told the tribunal that Ramchandani breached its code of conduct when he inappropriately [disclosed confidential information](#) to the bank's rivals that could have been used to harm the bank's New York trading branch.

Ramchandani had sought £80,000 (\$105,000) — a fraction of his salary — and backdated pay as compensation. The exact amount is yet to be decided.

In a complicated decision, the judge said his compensation should be increased by 25% because of the "complete and utter failure" of the bank to follow its own code but that the size of the award should be cut to reflect Ramchandani's own culpability.

"I am pleased that the tribunal has not only found that I was unfairly dismissed but that Citi acted unreasonably and so has awarded me the maximum uplift for such conduct," Ramchandani said. "The tribunal also accepted my genuine belief that my chats were not improper."

The bank said it had already acknowledged that Ramchandani's dismissal did

not follow Citi's usual procedures. "This aspect of the judgment is not a surprise," a Citi spokesperson said. "However, Citi welcomes the fact that the tribunal did not order Ramchandani's return to Citi employment and recognized that his conduct led to the termination of his employment."

Ramchandani is also suing Citi in New York for \$112 million, accusing the bank of [scapegoating him](#) and lying to the DOJ to save itself during an antitrust investigation.

Ramchandani is represented by Jacques Algazy QC of Cloisters Chambers, instructed by Peter McRoberts of [Payne Hicks Beach](#).

Citi is represented by Simon Devonshire QC of 11KBW.

The case is Rohan Ramchandani v. Citibank NA, case number [3200403/2014](#), in the East London Employment Tribunal.

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