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# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2021-1624

**Langa Dorji**

**(Appellant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**ORDER No. 441 (2022)**

1. On 15 October 2021, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in New York issued Judgment No. UNDT/2021/120 in the case of *Dorji v. Secretary-General of the United Nations*, dismissing the application of Langa Dorji (Mr. Dorji) as not receivable. Mr. Dorji had challenged the decision against what he described as the “60 days time bar for [his] coerced resignation before [his] permanent contract expired”.
2. On 15 November 2021, Mr. Dorji filed an appeal against the UNDT Judgment with the United Nations Appeals Tribunal (Appeals Tribunal). On 21 December 2021, the Secretary-General filed his answer. On 4 January 2022, Mr. Dorji filed a motion for leave to have additional pleadings admitted before the Appeals Tribunal. He wishes to have admitted into evidence an email from OSLA to him, which he says misled him about the limitation period for bringing his proceedings before the UNDT. On 17 January 2022, the Secretary-General filed his observations requesting the Appeals Tribunal to reject the motion.
3. The email from OSLA, which is the subject of this Motion, is dated 18 June 2021. It advised Mr. Dorji that his separation from service had then occurred more than two years previously and told him that, generally, there is a 60-day deadline for staff members (or former staff members) to contest administrative decisions by seeking management evaluation of them. It said that although Mr. Dorji claimed to have been coerced into

resigning, it would be difficult to establish that in view of him having acknowledged that his resignation was voluntary for health reasons. Finally, the OSLA email to Mr. Dorji advised him that the making of any complaint against his former supervisor was not time limited but could lead only to disciplinary action against that person and not to compensation for him, as he was seeking.

4. The UNDT Judgment was issued on 15 October 2021, some four months after the email was sent, which Mr. Dorji now seeks to be admitted in evidence.

5. The matter is governed by Article 10 of the Appeals Tribunal Rules of Procedure (Rules). This provides materially that:

A party may seek to submit to the Appeals Tribunal, with an appeal or an answer, documentary evidence, including written testimony, in addition to that contained in the written record. In exceptional circumstances and where the Appeals Tribunal determines that the facts are likely to be established with such additional documentary evidence, it may receive the additional evidence from a party (...) provided that the Appeals Tribunal shall not receive additional written evidence if it was known to the party seeking to submit the evidence and should have been presented to the Dispute Tribunal.

6. There are two reasons for disallowing Mr. Dorji's Motion. First, there is no explanation why this email of 18 June 2021 could not have been brought to the attention of the UNDT, which did not issue its Judgment for another four months after the email was sent. If it was material, it should have been before the UNDT, but the circumstances for its absence are unexplained as they must be in this situation. Second, even if the email were to be admitted, it does not establish that Mr. Dorji was misled by its contents. The whole email must be read, rather than one sentence (or even part of one sentence in it) read in isolation of the rest. When so read, the email makes clear that he had the period of 60 days to seek management evaluation of the administrative decision about which he complained, but he had not done so for more than two years. The email's reference to the absence of any time limit related to the bringing of a complaint against his former supervisor also made it clear that such a complaint could not result in compensation for Mr. Dorji. He could not reasonably have been misled by the contents of this email.

7. The Appellant has failed to establish the necessary exceptional circumstances required to admit this new evidence on his appeal, and his motion must fail for this reason.

**IT IS HEREBY ORDERED** that Mr. Dorji's motion seeking leave to file additional pleadings **IS DENIED**.

Original and Authoritative Version: English

Dated this 4<sup>th</sup> day of February 2022  
in Auckland, New Zealand.

*(Signed)*  
Judge Graeme Colgan,  
President

Entered in the Register on this 4<sup>th</sup> day  
of February 2022 in New York, United States.

*(Signed)*  
Weicheng Lin,  
Registrar