



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1579

Marwan Dalal
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT

Before:	Judge Leslie F. Forbang, Presiding Judge Nassib G. Ziadé Judge Graeme Colgan
Case No.:	2024-1946
Date of Decision:	27 June 2025
Date of Publication:	3 September 2025
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Self-represented
Counsel for Respondent:	Francisca Lagos Pola

JUDGE LESLIE F. FORBANG, PRESIDING.

1. Mr. Marwan Dalal (Mr. Dalal), a former staff member of the Office of the United Nations High Commissioner for Refugees (UNHCR), contested the decision not to select him for the position of Protection Associate at the G-6 level in Tel Aviv, Israel (contested decision).
2. On 29 July 2024, by Judgment No. UNDT/2024/044 (impugned Judgment),¹ the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) dismissed Mr. Dalal's application as not receivable *ratione materiae*.
3. Mr. Dalal lodged an appeal against the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal).
4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

Facts and Procedure

5. Mr. Dalal joined UNHCR in November 2021 as a Protection Associate at the G-6 level on a temporary appointment in Tel Aviv.²
6. On 8 November 2022, UNHCR advertised the position of Protection Associate (the Position) at the G-6 level in Tel Aviv under Job Opening (JO) 10014653.³
7. UNHCR received a total of 50 applications for the Position, including that of Mr. Dalal. Between 12 and 15 December 2022, five candidates, including Mr. Dalal, were shortlisted and invited for a written test.⁴ On 12 December 2022, Mr. Dalal was interviewed for the Position.
8. On 16 January 2023, the UNHCR Senior Protection Officer in Israel recommended Mr. Dalal to the UNHCR Regional Assignments Committee in Israel for appointment for the Position as the third-ranked candidate. This ranking was based on the combined results of the interview and written test, in which Mr. Dalal obtained a total score of 131.9 out of 200.⁵

¹ *Dalal v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/044.

² Letter of appointment dated 1 November 2021.

³ JO 10014653 dated 8 November 2022.

⁴ Recommendation Memorandum dated 16 January 2023.

⁵ *Ibid.*

9. On 21 February 2023, the UNHCR Regional Assignments Committee decided to appoint the first-ranked candidate (selected candidate) to the Position.
10. On 29 March 2023, Mr. Dalal was informed that he had not been selected for the Position.⁶
11. On 31 March 2023, upon the expiry of his temporary appointment, Mr. Dalal was separated from service.
12. On 7 April 2023, Mr. Dalal requested management evaluation of the contested decision.
13. On 18 May 2023, Mr. Dalal requested by e-mail to the UNHCR Representative in Israel (UNHCR Representative) “[t]he identity of the person that was selected for this position and his/her professional credentials” as well as “[t]he selection committee’s (...) evaluation of [his] candidacy and the selected person’s candidacy”.⁷
14. On 24 May 2023, the UNHCR Representative informed Mr. Dalal by e-mail that, according to paragraph 36 of UNHCR/HCP/2022/07 (Recruitment and Assignments Policy) (UNHCR Policy), “any sharing of identifying information of either staff members or other candidates with (unsuccessful) candidates” was prohibited. The UNHCR Representative further clarified that, while the UNHCR Policy allowed documentation related to candidates’ applications to be shared, only internal candidates – i.e., current staff members holding an indefinite or fixed-term appointment – were entitled to request this information. As Mr. Dalal was an external candidate, this provision did not apply to him.⁸
15. On 12 June 2023, the UNHCR Deputy High Commissioner informed Mr. Dalal by letter that she had determined that the selection process for the Position had suffered from procedural shortcomings, particularly the fact that the written test was not graded anonymously. Therefore, she rescinded the contested decision and informed Mr. Dalal that the Administration would re-advertise the Position, giving him the opportunity to reapply.⁹
16. On 13-14 and 27-28 June 2023, Mr. Dalal submitted several additional inquiries to various UNHCR offices, requesting details about the recruitment process for the Position, as well as information regarding the qualifications of the recommended candidates. While UNHCR denied

⁶ E-mail from the Division of Human Resources to Mr. Dalal dated 29 March 2023.

⁷ E-mail from Mr. Dalal to the Administration dated 18 May 2023.

⁸ E-mail from the UNHCR Representative to Mr. Dalal dated 24 May 2023.

⁹ Management Evaluation response dated 12 June 2023.

these requests, on 13 June 2023, a UNHCR Human Resources Partner, provided Mr. Dalal with, among other things, a redacted version of the Recommendation Memorandum dated 16 January 2023.¹⁰

17. On 27 June 2023, the Position was re-advertised. Mr. Dalal did not apply for the Position.

18. On 31 July 2023, Mr. Dalal filed an application with the Dispute Tribunal challenging the contested decision.

Procedures before the Dispute Tribunal

19. On 13 June 2024, the UNDT held a case management discussion (CMD) “during which the parties confirmed that there was no need for further evidence, for witness testimony or a hearing, and that they will not file closing submissions”.¹¹

20. On 17 June 2024, Mr. Dalal filed a Motion (Motion for additional information) requesting the Dispute Tribunal to order the Secretary-General to provide “[t]he procedural shortcomings detected by management evaluation in the selection process aside from not conducting the written test anonymously” as well as “[w]hether the departure of UNHCR Representative in Israel (...) from his post and from UNHCR, long before the end of his tenure, [was] related in any manner to the content of the application”.¹²

Impugned Judgment

21. On 29 July 2024, the Dispute Tribunal issued the impugned Judgment, dismissing Mr. Dalal’s application as not receivable *ratione materiae*. The UNDT first rejected Mr. Dalal’s Motion for additional information, concluding that his request amounted to a classic “fishing expedition” and deeming the information he sought “unnecessary for the disposal of the case”.¹³

22. Turning to the issue of receivability of the case, the UNDT first found that rescinding the contested decision was not only within the Administration’s authority, but also consistent with the very purpose of management evaluation process.¹⁴ The UNDT then recalled that, according to

¹⁰ E-mail from a Human Resources Partner to Mr. Dalal dated 13 June 2023.

¹¹ Impugned Judgment, para. 5. See also *Dalal v. Secretary-General of the United Nations*, Order No. 068 (NBI/2024).

¹² Motion for additional information, para. 1.

¹³ Impugned Judgment, paras. 33 and 36-37.

¹⁴ *Ibid.*, para. 43.

well-established jurisprudence, “[i]n cases where the Administration rescinds the contested decision (...), an applicant’s allegations may be moot unless the applicant can prove that he or she still sustains injury for which the Tribunal can award relief”.¹⁵ In the present case, the UNDT determined that Mr. Dalal’s application was moot because, following the rescission of the contested decision, he was no longer “not selected”. Consequently, there was no administrative decision for the Dispute Tribunal “to hear and pass judgment on”, within the meaning of Articles 2(1)(a) and 8(1)(a) of the Dispute Tribunal Statute (UNDT Statute).¹⁶

23. The UNDT further found that Mr. Dalal failed to demonstrate that he suffered any cognizable injury as a result of the rescinded decision. In particular, the UNDT concluded that “to the extent that [Mr. Dalal] claim[ed] that he still suffer[ed] harm due to the discrimination against Arabs in the recruitment, that claim lack[ed] a factual basis”.¹⁷ Indeed, the UNDT observed that, according to the case record, two of the three recommended candidates were of Arab descent and native Arabic speakers, thereby excluding the possibility of discrimination against Arabs or Arabic speakers.¹⁸

24. In any event, the UNDT held that even if Mr. Dalal’s application had been receivable, it would have been dismissed on the merits, as he failed to demonstrate that his non-selection was unlawful or improper.¹⁹ Specifically, the UNDT rejected Mr. Dalal’s arguments that the selection process disregarded the language requirements set out in JO 10014653 or failed to consider diversity and inclusion, reiterating that two of the three recommended candidates were of Arab descent and native Arabic speakers.²⁰ Regarding Mr. Dalal’s claim that the selection panel misrepresented his conduct at work and during the interview – particularly with respect to the Recommendation Memorandum dated 16 January 2023 stating that he considered himself overqualified for the position and demonstrated “some deficits in terms of developing cooperative and respectful working relationships with colleagues” – the UNDT recalled that it was within the panel’s authority to make a fair and independent assessment of the candidates’ suitability.²¹

¹⁵ *Ibid.*, para. 41 referring to *Gehr v. Secretary-General of the United Nations*, Judgment No. UNDT/2011/211, para. 37.

¹⁶ Impugned Judgment, paras. 44-45.

¹⁷ *Ibid.*, para. 46.

¹⁸ *Ibid.*, para. 47.

¹⁹ *Ibid.*, paras. 48 and 60.

²⁰ *Ibid.*, para. 49.

²¹ *Ibid.*, paras. 56-58.

Regardless, the UNDT concluded that Mr. Dalal's evidence supported, rather than refuted, the selection panel's assessment of his suitability for the Position.²²

25. Last, the UNDT denied the Secretary-General's request for an award of costs.²³

Procedure before the Appeals Tribunal

26. On 28 August 2024, Mr. Dalal filed an appeal against the impugned Judgment with the Appeals Tribunal, to which the Secretary-General responded on 28 October 2024.

Submissions

Mr. Dalal's Appeal

27. Mr. Dalal requests the Appeals Tribunal to reverse the impugned Judgment and award him 2.5 years' net base salary in compensation for loss of opportunity and moral harm. Alternatively, he requests that the case be remanded to the Dispute Tribunal for determination by a different judge.

28. Mr. Dalal submits that the UNDT erred in law and in fact by concluding that his application was not receivable *ratione materiae*. Specifically, he argues that the UNDT misapplied the jurisprudence governing mootness and improperly relied on judgments that were distinguishable from the present case, which led to what he describes as an "implausible conclusion". He further notes that, according to Staff Rule 11.4(a), a staff member may file an application challenging an administrative decision "whether or not it has been amended by any management evaluation".

29. Mr. Dalal also challenges the UNDT's finding that the rescission of the contested decision "erased violations committed against [his] rights" and its assertion that his failure to reapply for the Position was "[his] fault which he should bear [the] consequences". He argues that the nature of the contested decision – including "acute misrepresentations" by a panel member – and a hostile work environment deprived him of a genuine opportunity to reapply for the position. Therefore, he maintains that filing an application before the UNDT was his only available recourse to address the violations of his rights.

²² *Ibid.*, para. 55.

²³ *Ibid.*, para. 61.

30. Mr. Dalal submits that the UNDT failed to recognize that the contested decision was tainted with discrimination, abuse of authority, and procedural unfairness. He further asserts that the UNDT failed to apply the applicable legal framework and that the only “reasonable conclusion” should have been that he did not receive full and fair consideration. In this context, he challenges the UNDT’s conclusion that the selection panel appropriately considered the language requirements. He emphasizes that the selected candidate lacked knowledge of Arabic, while he is fluent in Arabic, Hebrew, and English. Mr. Dalal further asserts that the UNDT failed to consider the principles of diversity and inclusion required in the selection process and did not properly address the arguments he submitted in this regard. Given that UNHCR staff in Israel are generally locally recruited and that he is part of the Palestinian Arab minority, he maintains that the proper application of these principles and the relevant legal framework should have resulted in his selection for the Position.

31. Mr. Dalal reiterates that the UNDT overlooked evidence of a hostile work environment in his office, in which he experienced hostility from colleagues. He also argues that one of the panel members, S.H., was biased against him, and another, J.W., misrepresented his qualifications and conduct during the interview and at work. In this regard, he submits that he did not consider himself “overqualified” for the Position and that his working relationships were professional and collegial.

32. Last, Mr. Dalal contends that the UNDT erred in rejecting his Motion for additional information.

The Secretary-General’s Answer

33. The Secretary-General requests the Appeals Tribunal to dismiss the appeal in its entirety and affirm the impugned Judgment.

34. The Secretary-General submits that Mr. Dalal is impermissibly seeking to relitigate the case by largely reiterating arguments already presented before the UNDT. He argues that the appeal should be dismissed on this ground alone.

35. Nevertheless, even if the Appeals Tribunal were to consider Mr. Dalal’s arguments, the Secretary-General contends that they lack merit. He asserts that Mr. Dalal failed to demonstrate any error warranting the reversal of the impugned Judgment, but instead merely disagrees with the outcome of the case.

36. The Secretary-General contends that the UNDT correctly concluded that Mr. Dalal's application was not receivable *ratione materiae* as the contested decision had been rescinded and, therefore, no administrative decision remained for the UNDT to review. He further notes that, contrary to Mr. Dalal's contentions, the UNDT's finding that the application was moot is consistent with Appeals Tribunal jurisprudence. That jurisprudence provides that, in the absence of a "live issue" – that is, "where the impugned administrative decision has not taken effect because it has been rescinded or superseded by subsequent actions of the Administration"²⁴ – an application should be deemed moot and thus not receivable, "unless the applicant can prove that he or she still sustains an injury for which the Tribunal can award relief".²⁵ In the present case, the Secretary-General submits that Mr. Dalal failed to demonstrate such injury, noting that he had the opportunity to reapply to the Position when it was readvertised but chose not to do so.

37. The Secretary-General asserts that Mr. Dalal's argument regarding the UNDT's alleged finding that the rescission of the contested decision "erased violations committed against [his] rights" is misplaced. He clarifies that the UNDT merely held that it was within the Administration's authority to rescind the contested decision – a finding consistent with well-established jurisprudence affirming the Administration's duty to rectify its own errors, particularly during the management evaluation process, the very purpose of which is to afford the Administration the opportunity to correct such errors.²⁶

38. The Secretary-General contends that the UNDT did not err by failing to find that the contested decision was tainted by discrimination. On the contrary, he notes that the UNDT correctly determined that there was no evidence of impropriety in the selection process and argues that Mr. Dalal's claims in this regard were not supported by clear and convincing evidence. Indeed, the Secretary-General asserts that the UNDT appropriately took into consideration the language requirements outlined in JO 10014653 and properly concluded that the panel's recommendation of two candidates of Arab descent, who were native Arabic speakers, undermined the allegations of discrimination against Arabs and Arabic speakers. He further emphasizes that Mr. Dalal's focus

²⁴ *Annette Guetgemann v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1201, para. 22.

²⁵ *George Naoum Azar v. Secretary-General of the United Nations*, Judgment No. 2021-UNAT-1104, para. 30 citing *Gehr* Judgment, *op. cit.*

²⁶ *Cicek v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-636, para. 32; *Kalashnik v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-661, para. 26.

on his own qualifications and general allegations of discrimination do not amount to evidence of discriminatory treatment.

39. The Secretary-General submits that the UNDT did not overlook any evidence suggesting the existence of a hostile work environment towards Mr. Dalal or that a panel member had misrepresented his qualifications and conduct during the interview and at work. Regarding the alleged hostile work environment, the Secretary-General clarifies that the existence of such an environment falls outside of the scope of these proceedings. In any event, he argues that the basis for Mr. Dalal's assertions in this regard remains "unclear".

40. Concerning Mr. Dalal's contention that one of the panel members misrepresented his qualifications and conduct, the Secretary-General argues that the UNDT did consider Mr. Dalal's arguments and the alleged evidence of bias before concluding that he had not demonstrated impropriety in the contested decision. The Secretary-General further notes that there was no evidence of bias by any member of the selection panel, highlighting that the panel even described Mr. Dalal as "a highly experienced and even well-known human rights attorney in Israel"²⁷ and that his "expertise and technical skills made him a suitable candidate for the Position".

41. The Secretary-General contends that the UNDT correctly rejected Mr. Dalal's Motion for additional information and that his arguments in this regard should be dismissed. The Secretary-General maintains that the information requested through his Motion were immaterial to the case.

42. Last, the Secretary-General submits that, in the absence of any illegality, Mr. Dalal's claim for compensation should be dismissed.

Considerations

Request for an oral hearing

43. As a preliminary issue, in response to the question on the appeal form regarding whether he sought an oral hearing, Mr. Dalal left both the "yes" and "no" boxes unchecked but stated that an oral hearing was subject to UNAT's discretion. While this does not constitute an appropriate request for an oral hearing, assuming *arguendo* that Mr. Dalal requested an oral hearing, this

²⁷ Recommendation Memorandum dated 16 January 2023.

Tribunal denies that request, finding there is no need for further clarification of the issues arising from his appeal, pursuant to Article 8(3) of the Appeals Tribunal Statute.

Receivability

44. At issue in this appeal is whether the UNDT erred in finding Mr. Dalal's application challenging the decision not to select him for the Position not receivable *ratione materiae*. The UNDT concluded that the rescission of the contested decision rendered Mr. Dalal's application moot, and that such rescission was within the Administration's authority and consistent with the very purpose of the management evaluation process.²⁸

45. In this appeal, Mr. Dalal argues that the "UNDT's description of the law governing mootness [was] inaccurate" and the UNDT improperly relied on jurisprudence that was distinguishable from the present case, which led to an "implausible conclusion". The Secretary-General contends that "the UNDT did not misrepresent the case-law" in dismissing Mr. Dalal's application as moot and not receivable, and that the UNDT's description of the law governing mootness is "an accurate portrayal of the case-law of the Tribunals".

46. The mootness of a contested administrative decision generally renders it incapable of further judicial review. In this regard, we clarified in *Kallon* that:²⁹

... A judicial decision will be moot if any remedy issued would have no concrete effect because it would be purely academic or events subsequent to joining issue have deprived the proposed resolution of the dispute of practical significance; thus placing the matter beyond the law, there no longer being an actual controversy between the parties or the possibility of any ruling having an actual, real effect. The mootness doctrine is a logical corollary to the court's refusal to entertain suits for advisory or speculative opinions. Just as a person may not bring a case about an already resolved controversy (*res judicata*) so too he should not be able to continue a case when the controversy is resolved during its pendency. The doctrine accordingly recognizes that when a matter is resolved before judgment, judicial economy dictates that the courts abjure decision.

47. As we stated in *Guetgemann*, it is also "well-established that an application will be moot where the impugned administrative decision has not taken effect because it has been rescinded or superseded by subsequent actions of the Administration. In such cases, the UNDT will lack

²⁸ Impugned Judgment, paras. 43-45.

²⁹ *Kallon v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-742, paras. 44-45.

subject-matter jurisdiction to examine the merits of the case”.³⁰ Our jurisprudence has long held that if the rescission rendering the application moot occurred prior to the submission of the application to the Dispute Tribunal, the application must be found not receivable due to mootness.³¹ However, if the rescission took place after the submission of the case or during the proceedings, the application would be receivable, but may be dismissed as moot unless the applicant can prove that he or she continues to sustain an injury for which the Dispute Tribunal can award relief.³²

48. In this regard, in *Kallon*,³³ we reiterated the UNDT’s stance in *Gehr*, where it stated:³⁴

... In cases where the Administration rescinds the contested decision during the proceedings, the applicant’s allegations may be moot. This is normally the case if the alleged unlawfulness is eliminated and, unless the applicant can prove that he or she still sustains an injury for which the Tribunal can award relief, the case should be considered moot.

49. In the present case, Mr. Dalal was informed of the contested decision on 29 March 2023 via the UNHCR recruitment platform. He requested management evaluation of the contested decision on 7 April 2023. On 12 June 2023, he was notified of the rescission of the contested decision, and on 31 July 2023 he filed his application before the UNDT. From the foregoing, it is clear that the non-selection decision was superseded and rendered moot by the Administration’s subsequent rescission of the contested decision. It follows that the contested decision ceased to have any legal effect and there was no longer a live issue upon which the UNDT was competent to pass judgment on when Mr. Dalal filed his application with the Dispute Tribunal. In this regard, the Appeals Tribunal has consistently held that where no live issue remains, an application is moot and not receivable.³⁵

50. We recall that reliance on the concept of mootness ensures that the Dispute Tribunal does not give advisory opinions on abstract propositions of law where an application no longer presents an existing or live controversy which requires determination.³⁶ It is further noted that applying the doctrine of mootness is consistent with the purpose behind the establishment of the two-tier

³⁰ *Annette Guetgemann* Judgment, *op. cit.*, paras. 21-23 (internal footnote omitted).

³¹ *Crotty v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-763, para. 15; *Alsado v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-766, para. 15 citing *Gebremariam v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-584, para. 19.

³² *George Naoum Azar* Judgment, *op. cit.*, para. 30.

³³ *Kallon* Judgment, *op. cit.*, para. 46.

³⁴ *Gehr* Judgment, *op. cit.*, para. 37.

³⁵ *Mazen Qassem v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1383, para. 52.

³⁶ *Ibid.*, para. 53.

system of administration of justice, which was to adjudicate existing disputes; not to interpret the law when there is no live dispute.³⁷

51. Moreover, Article 8(1)(a) of the UNDT Statute provides, *inter alia*, that an application shall be receivable if the Dispute Tribunal is competent to hear and pass judgment on the application under Article 2 of the UNDT Statute. In turn, Article 2(1)(a) of the UNDT Statute provides that the Dispute Tribunal “shall be competent to hear and pass judgement on an application” which appeals “an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment” of a staff member.

52. In the matter at hand, the non-selection decision did not take effect because it was rescinded before Mr. Dalal submitted his application before the Dispute Tribunal. The rescission of the contested decision effectively ended the selection process with no candidate being selected for the Position. As a result, the non-selection decision had no longer any legal effect on the terms of appointment or the contract of employment of Mr. Dalal or any of the shortlisted candidates. Consequently, neither Mr. Dalal nor any of the shortlisted candidates could challenge the contested decision, as there was no longer an administrative decision subject to judicial review under Article 2(1)(a) of the UNDT Statute.

53. Furthermore, Mr. Dalal contends that, according to Staff Rule 11.4(a), a staff member may file an application challenging an administrative decision “whether or not it has been amended by any management evaluation”.

54. State Rule 11.4(a) provides:

A staff member may file an application against a contested administrative decision, whether or not it has been amended by any management evaluation, with the United Nations Dispute Tribunal within 90 calendar days from the date on which the staff member received the outcome of the management evaluation or from the date of expiration of the deadline specified under staff rule 11.2 (d), whichever is earlier.

55. In the context of this case, the management evaluation resulted in the rescission of the contested administrative decision rather than its amendment. Indeed, the 12 June 2023 decision of the UNHCR Deputy High Commissioner had the effect of removing the unlawfulness alleged by Mr. Dalal, and, as such, the contested decision no longer existed following management evaluation.

³⁷ *Wilson v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-709, para. 25.

There was, therefore, no contested administrative decision capable of being subject to judicial review.

56. We emphasize that the Administration's response to a request for management evaluation is an opportunity to resolve a staff member's grievance without litigation – not a fresh decision.³⁸ Similarly, “[i]t is settled law that the contested decision which may be reviewed by the Dispute Tribunal is not the decision of the MEU, but the administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment of the staff member”.³⁹

57. The Secretary-General further argues that, as the UNDT appropriately concluded, it was completely within the purview of the Administration to rescind the non-selection decision given the procedural irregularities that were found during management evaluation.⁴⁰

58. We agree that, under our consistent jurisprudence, the Administration has both the right and duty to correct its own errors.⁴¹ We have held that the purpose of management evaluation is to afford the Administration the opportunity to correct any errors in an administrative decision so that judicial review of the administrative decision is not necessary.⁴² As we held in *Faust*, “[i]t is in the interest of the Organization to give special regard to this first step, since it gives the Administration a chance to correct itself or provide acceptable remedies in cases where there has been flawed decision-making, and to reduce the number of cases that need to proceed to formal litigation”.⁴³ Therefore, in light of the purpose of management evaluation, it was both reasonable and practical for the Administration to rescind the contested decision.

59. Accordingly, we find that the UNDT did not err in dismissing Mr. Dalal's application as moot and not receivable *ratione materiae*.

60. As Mr. Dalal's application was not receivable due to mootness, we find that further determination regarding the merits of the case is unwarranted, as the controversy has already been

³⁸ *Kalashnik Judgment, op. cit.*, para. 29.

³⁹ *Ibid.*, para. 24.

⁴⁰ *Impugned Judgment*, para. 43.

⁴¹ *Fortis v. Secretary-General of the United Nations*, Judgment No. 2019-UNAT-968, para. 32; *Kellie v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2018-UNAT-875, para. 30.

⁴² *Pirnea v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-311, para. 42.

⁴³ *Faust v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-695, para. 40 (internal footnote omitted).

resolved. Furthermore, there is no evidence that Mr. Dalal still sustains injury for which the Appeals Tribunal could award relief.

Motion for additional information

61. With respect to Mr. Dalal's Motion for additional information, we note that his Motion pertains to the merits of the case. As the application was found to be not receivable, we find that the UNDT correctly rejected his Motion. We further conclude that the information sought was immaterial to the determination of the present matter.

Request for Compensation

62. Mr. Dalal's request for compensation of 2.5 years' net base salary is denied. Indeed, his request cannot be entertained by this Tribunal in light of our decision to affirm the impugned Judgment on receivability.

Judgment

63. Mr. Dalal's appeal is dismissed, and Judgment No. UNDT/2024/044 is affirmed.

Original and Authoritative Version: English

Decision dated this 27th day of June 2025 in New York, United States.

(Signed)

Judge Forbang, Presiding

(Signed)

Judge Ziadé

(Signed)

Judge Colgan

Judgment published and entered into the Register on this 3rd day of September 2025 in New York, United States.

(Signed)

Juliet E. Johnson,
Registrar