

UNDT/2009/082, Krioutchkov

UNAT Held or UNDT Pronouncements

Neither the Statute nor the Rules of Procedure of the Tribunal prescribe the form of the parties' submissions filed in accordance with an order of the Tribunal. In the absence of such provisions, the matter falls under article 36 of the Rules of Procedures. The respondent has not specified anything in the form of the applicant's submission that substantively breaches his obligations under the directions made in the Tribunal's order—the use of the word “grounds” in a subheading instead of “issues” is not a significant difference and generally it is of no importance which template the applicant has used for structuring his submission if it otherwise complies with the order. Furthermore, the Tribunal is vested with significant independent authority to undertake case management under article 19 of the Rules of Procedure. The Tribunal is disinclined to prevent the applicant from amending his earlier submission so long as the legal rights and interests of the respondent are not impaired, and the respondent did not present any arguments in this regard and nothing in the case suggested any. Outcome: The respondent's motion to strike out the applicant's submission dismissed.

Decision Contested or Judgment/Order Appealed

The respondent requested to have the applicant's submission struck out on the basis that the applicant had filed a new application on the merits by his submission even though this submission was intended to be a response to an order of the Tribunal. This order, inter alia, demanded him to provide of a statement facts and issues. The respondent contended that the applicant in his submission raised new factual and legal issues, that he relied on new documentation and that he requested remedies different from those sought before.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

UNDT/NY/2009/079/JAB

Tribunal

UNDT

Registry

New York

Date of Judgement

25 Nov 2009

Duty Judge

Judge Adams

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Procedure (first instance and UNAT)

Case management

Suspension of action / interim measures

Applicable Law

UNDT RoP

- Article 19
- Article 32