

UNDT/2013/075, Applicant

UNAT Held or UNDT Pronouncements

Following the Tribunal's judgment on receivability (Judgment No. UNDT/2012/149) and inter partes discussions, the Applicant filed a motion to withdraw his application, confirming that he was withdrawing the matter fully, including on the merits, and with no right of reinstatement or appeal. The UNDT stated in the judgment that, there no longer being any determination to make in view of the Applicant's unequivocal withdrawal of his application, the application was dismissed in its entirety without liberty to reinstate.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application contesting the decision to dismiss her complaint against a superior for harassment and abuse of authority.

Legal Principle(s)

Finality of disputes: The desirability of finality of disputes in proceedings requires that a party should be able to raise a valid defence of res judicata which provides that a matter between the same persons, involving the same cause of action may not be adjudicated twice. **Res judicata:** Once a matter has been determined, parties should not be able to re-litigate the same issue. An issue, broadly speaking, is a matter of fact or question of law in a dispute between two or more parties which a court is called upon to decide and pronounce itself on in its judgment. The object of the res judicata rule is that "there must be an end to litigation" in order "to ensure the stability of the judicial process" (Meron 2012-UNAT-198). **Judgment:** Generally, a judgment involves a final determination of the proceedings or of a particular issue in those proceedings.

Outcome

Closed on withdrawal

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UNICEF

Case Number(s)

UNDT/NY/2010/070

Tribunal

UNDT

Registry

New York

Date of Judgement

5 Mar 2013

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Ombudsman / informal resolution

Applicable Law

UNDT RoP

- Article 19
- Article 36

UNDT Statute

- Article 2.7

Related Judgments and Orders

UNDT/2012/149

UNDT/2010/047

UNDT/2009/061

UNDT/2009/062

UNDT/2010/029

UNDT/2010/074

UNDT/2011/104

UNDT/2011/202

UNDT/2012/194

2010-UNAT-026bis

2010-UNAT-063

2010-UNAT-066

2011-UNAT-129

2012-UNAT-198