UNDT/2013/145, Abassa

UNAT Held or UNDT Pronouncements

A judgment on receivability is not an executable judgment. It is not a judgment on the merits of the case where all issues have been adjudicated upon. An executable judgment is one in which the court determines on the substantive issues of the case having heard and deliberated on the evidence and arguments submitted by the parties. In so doing, it ends the dispute before the court which heard it. A judgment on receivability is based on a procedural issue. In the present case, the procedural issue had to do with the timeliness of the application and scope of the court's jurisdiction where the statutory timelines have not been observed. In other words, the court never got to consider the merits because it was procedurally estopped from considering the substantive issues raised. It was therefore not an executable judgment within the meaning article 12.1 of the Statute.

Decision Contested or Judgment/Order Appealed

On 30 June 2012, the Applicant filed the current Application for Revision of Judgment No. UNDT/2012/086 with the United Nations Dispute Tribunal (UNDT). The Applicant seeks a Revision of the Judgment pursuant to article 12 of the UNDT Statute and article 29 of the UNDT Rules of Procedure, on the grounds that he did not receive the Dispute Tribunal's email correspondence seeking his comments on the Respondent's Reply on Receivability.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Abassa

Entity

ECA

Case Number(s)

UNDT/NBI/2012/40

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

19 Nov 2013

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters
Revision of Judgment

Applicable Law

UNDT RoP

- Article 29.1

UNDT Statute

- Article 12.1

Related Judgments and Orders

UNDT/2012/086