

UNDT/2014/010, Lamuraglia

UNAT Held or UNDT Pronouncements

The Applicant subsequently filed a motion withdrawing his application, confirming that he was withdrawing it fully, finally and entirely, including on the merits. The UNDT stated in the judgment that, there no longer being any determination to make, the application was dismissed in its entirety without liberty to reinstate or the right to appeal.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application contesting the decision made by the Chief, Safety and Security Services, Department of Safety and Security in New York, to require him as a condition of future employment to undergo a comparative review exercise.

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

Lamuraglia

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2013/023

Tribunal

UNDT

Registry

New York

Date of Judgement

28 Jan 2014

Language of Judgment

English

Issuance Type

Judgment

Applicable Law

UNDT Statute

- Article 2.1
- Article 3.1