

UNDT/2014/067, Fiala

UNAT Held or UNDT Pronouncements

The Tribunal held that there are two stages in the procedure for the interpretation of a judgment. First, receivability must be determined and secondly if it is receivable whether it should be interpreted. Receivability: The Tribunal considered whether the filing of an appeal should be taken to mean that it is under consideration and therefore debar an applicant from an interpretation. The Tribunal held that the mere filing of an appeal against a judgment by one party to a case constitutes no legal impediment to the other party filing for an interpretation because the filing of an appeal is only a procedural requirement imposed on a party whereas the consideration of the appeal is the stage at which the appeal is being reviewed substantively by the appellate court. Interpretation: The Tribunal concluded that the findings and awards in Judgment No. UNDT/2014/007 are clear enough and the modalities for their implementation are within the province of the Administration. Consequently, the application was partially rejected.

Decision Contested or Judgment/Order Appealed

The Applicant initially contested the decision not to revise her recruitment level from FS-4 to FS-5 with effect from 1 June 2006 when she was appointed to MONUC. In Judgment No. UNDT/2014/007, the Tribunal held that the Applicant had been interviewed, selected and recommended for a post at the FS-5 level and should have been recruited at that level. By the current application, the Applicant sought clarification on the remedies granted in Judgment No. UNDT/2014/007.

Legal Principle(s)

N/A

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Fiala

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2014/25

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

19 Jun 2014

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories
Judgment-related matters
Interpretation of Judgment
Applicable Law
UNDT RoP

- Article 29
- Article 30

UNDT Statute

- Article 12.1
- Article 12.3

Related Judgments and Orders
UNDT/2014/007