

UNDT/2017/052, Nath, Khanna, Joshi, Batra

UNAT Held or UNDT Pronouncements

Res judicata: Res judicata signifies that the same course of action cannot be adjudicated twice. For the stability of the judicial process, it is desirable that there is an end to litigation. Accordingly, the party who loses cannot relitigate his or her case. Remand: The fact that analogous cases of 14 fellow colleagues from UNDP based in India were remanded by the Appeals Tribunal to the Dispute Tribunal, further to their respective appeals, has no bearing with respect to the fact that the Dispute Tribunal's judgment became final and non-appealable for those, such as the Applicants, who did not bring a timely appeal. The remand is a specific order by the Appeals Tribunal in a judgment ruling upon one or several specific appeals. Such a judgment applies strictly to exclusively those who had formally lodged an appeal.

Decision Contested or Judgment/Order Appealed

The Applicants contest a series of measures regarding their salary scales and entitlements taken further to the comprehensive Local Salary Survey conducted in India in June 2013. Since the applications were identical, the Tribunal joined them per employing organization. The Tribunal found that the applications were irreceivable since they had contested the exact same decision in previous applications that had been rejected by a judgment of the Dispute Tribunal. This judgment was never appealed before the Appeals Tribunal and, since the statutory time limit to appeal the concerned Dispute Tribunal's judgment has expired, this ruling is no longer appealable. Hence, said ruling by the Dispute Tribunal became final as regards the Applicants and the matter is now res judicata.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Nath, Khanna, Joshi, Batra

Entity

UNDP

Case Number(s)

UNDT/GVA/2016/77

UNDT/GVA/2016/49

UNDT/GVA/2016/60

UNDT/GVA/2016/61

Tribunal

UNDT

Registry

Geneva

Date of Judgement

6 Jul 2017

Duty Judge

Judge Bravo

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / recevability (UNDT or first instance)

Applicable Law

UNDT Statute

- Article 11.3

Related Judgments and Orders

2010-UNAT-026bis

2010-UNAT-063

2011-UNAT-129

2011-UNAT-163

2012-UNAT-198

2013-UNAT-315

2013-UNAT-351

2015-UNAT-533

2016-UNAT-646

2016-UNAT-628