

2014-UNAT-492, Gakumba

UNAT Held or UNDT Pronouncements

UNAT considered Mr Gakumba's application for revision of judgment No. 2013-UNAT-387. UNAT held that it did not fulfil the statutory requirements and was seemingly disguised as an attempt to re-open the case. UNAT held that it would be manifestly unreasonable to submit that the UNDP Conversion Policy issued in 2010 could not be argued by the staff member in 2012 before the UNDT, or in 2013 before UNAT. UNAT held that no valid reason had been provided about the untimely submission of the application for revision. UNAT dismissed the application for revision.

Decision Contested or Judgment/Order Appealed

Previous UNAT Judgment: Mr Gakumba contested his separation. In Judgment No. UNDT/2012/192, UNDT found that this decision was tainted by due process and procedural violations and ordered Mr Gakumba's reinstatement or compensation in lieu of reinstatement. UNDT also ordered compensation for the due process and procedural violations. In Judgment No. 2013-UNAT-387, UNAT considered the Secretary-General's appeal and allowed it in part. UNAT reduced the in-lieu compensation and affirmed the award for due process and procedural violations.

Legal Principle(s)

The authority of a final judgment – res judicata – cannot be so readily set aside. Any application which, in fact, seeks a review of a final judgment rendered by UNAT can, irrespective of its title, only succeed if it fulfils the strict and exceptional criteria established by Article 11 of the UNAT Statute.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Gakumba

Entity

UNDP

Case Number(s)

2014-579

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2014

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters
Revision of Judgment
Applicable Law
UNAT RoP

- Article 24

UNAT Statute

- Article 11

Related Judgments and Orders

2013-UNAT-387

2011-UNAT-129

2010-UNAT-026bis

2010-UNAT-063

2011-UNAT-128