

# 2017-UNAT-722, Auda

## UNAT Held or UNDT Pronouncements

UNAT had before it an appeal against both UNDT/2016/106/Corr.1 and UNDT/2016/106/Corr.2 which did not concern the determination on the merits of the application, but rather the rejection of the Appellant's application for interim measures by the UNDT and certain conduct by the UNDT and its Registrar. UNAT held that the Appellant's criticisms of the UNDT decision to amend its own Judgment were well-founded as the corrections went beyond clerical mistakes or errors arising from any accidental slips or omissions; they were unexplained corrections that altered the main findings of the Judgment and were impermissible, irregular and in violation of the *functus officio* doctrine. However, UNAT held that the irregular corrections were of no prejudicial consequence and the appeal should be dismissed on that ground alone. UNAT noted that the various causes of action raised by the Appellant had been raised inconsistently, but that as he was not legally represented, it was not in the interests of justice to hold him formalistically and technically to what he may or may not have pleaded. Considering three possible grounds of appeal, UNAT held: that UNDT was not competent to grant interim relief; that there was no evidence to support a finding that the Appellant was prejudiced in some way by the rejection of the application for interim relief; and, that even if the Registrar, rather than UNDT, irregularly took the decision to reject the application for interim relief, the Appellant was put in no worse position than that which the law and circumstances objectively mandated. UNAT held that the Appellant was not prejudiced in any way by being required to re-file his application for interim relief. UNAT held that there were no valid grounds or practical reasons for remitting the matter to UNDT for reconsideration. UNAT dismissed the appeal and upheld the UNDT Judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to appoint a candidate for a position for which he had not applied. UNDT rejected his application as not receivable *ratione materiae*. UNDT subsequently issued two corrigenda (UNDT/2016/106/Corr. 1) and UNDT/2016/106/Corr. 2).

## Legal Principle(s)

Corrections to a final judgment that go beyond correcting clerical mistakes or errors arising from any accidental slips or omissions, thereby altering the main findings of a judgment, are impermissible, irregular, and in violation of the *functus officio* doctrine.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Auda

Entity

DGACM

Case Number(s)

2016-959

Tribunal

UNAT

Registry

New York

Date of Judgement

31 Mar 2017

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Correction of Judgment

Applicable Law

UNDT Statute

- Article 10.2

Related Judgments and Orders

UNDT/2016/106