

UNDT/2023/004, Chawla

UNAT Held or UNDT Pronouncements

Referring to its previous judgment in the Applicant's non-selection case, the Tribunal was of the view that in the present application for interpretation, he essentially disagreed with the Tribunal's findings on the propriety of the impugned selection exercise. Specifically, the Applicant takes issue with the Tribunal's finding in paragraph 60(b) that he "failed to substantiate that the chosen candidate was not qualified either academically or by way of relevant managerial and supply chain experience".

The Tribunal held that paragraph 60(b) of the judgment was both comprehensible and clear. The fact that the Applicant disagrees with it does not give cause for it to be further interpreted. The correct avenue for such a disagreement is the appellate process.

The Tribunal dismissed the application for interpretation.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to neither select nor roster him for the position of Chief of Service, Supply Chain Management, D-1, United Nations Support Office in Somalia (UNSOS).

By Judgment No. UNDT/2022/130, the Tribunal dismissed the application.

The Applicant filed an application for interpretation of Judgment No. UNDT/2022/130, paragraph 60(b), in which the Tribunal had examined the surrounding circumstances he relied on to substantiate his allegations of bias in the selection exercise.

Legal Principle(s)

A judgment can be subject to interpretation if it is ambiguous in its findings or conclusions, so that clarification of the judgment is necessary. Interpretation will not serve the party who disagrees with the judgment of the tribunal at first instance and seeks to reargue his case.

Outcome

Dismissed as not receivable

Applicants/Appellants

Chawla

Entity

UNSOS

Case Number(s)

UNDT/NBI/2022/118

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

25 Jan 2023

Duty Judge

Judge Honeywell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Interpretation of Judgment

Judgment-related matters

Applicable Law

UNDT RoP

- Article 30

UNDT Statute

- Article 12.3

Related Judgments and Orders

UNDT/2016/176

UNDT/2015/113

UNDT/2017/024