

2024-UNAT-1414, Tejbir Singh Soni

UNAT Held or UNDT Pronouncements

The UNAT held that the staff member did not fulfil the requirements for revision of the prior UNAT Judgment. The UNAT found that no new fact was advanced by the staff member that had been unknown either to him or the UNAT at the time of the prior Judgment, nor one that would have been decisive in reaching the decision had it been known. The UNAT was of the view that his application for revision amounted to a restatement of the material already placed before the UNAT, which had been considered and rejected, and constituted an attempt to have the appeal, which had been disposed of, re-heard *de novo*.

The UNAT dismissed the application for revision.

Decision Contested or Judgment/Order Appealed

A former staff member contested his separation from service on the grounds of constructive dismissal and coerced resignation.

In Judgment No. UNDT/2022/003, the UNDT found that the staff member had submitted a management evaluation request out of time and rejected his application as not *receivable ratione materiae*. The staff member appealed. By Judgment No. 2023-UNAT-1316, the UNAT dismissed the appeal and affirmed the UNDT's Judgment.

The staff member filed an application for revision of the prior UNAT Judgment.

Legal Principle(s)

The authority of a final judgment cannot be readily set aside.

An applicant for revision of a judgment must identify the decisive facts that, at the time of the Appeals Tribunal's Judgment, were unknown to both the Appeals Tribunal and the party applying for revision; that such ignorance was not due to the negligence of the applicant; and that the facts identified would have been decisive in reaching the decision.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Application for revision dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Tejbir Singh Soni

Entity

UNICEF

Case Number(s)

2023-1800

Tribunal

UNAT

Registry

New York

Date of Judgement

19 Apr 2024

President Judge

Judge Savage

Judge Gao

Judge Colgan

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Revision of Judgment

Separation from service

Constructive dismissal

Applicable Law

UNAT Statute

- Article 11.1

Related Judgments and Orders

2023-UNAT-1316

2021-UNAT-1152

2013-UNAT-393