

2024-UNAT-1450, Mohammad Hossain

UNAT Held or UNDT Pronouncements

The UNAT specified that the sole issue was whether the applicant, a former staff member, had presented a new and decisive fact that was unknown to him and the Appeals Tribunal when the prior UNAT Judgment was decided, and that this fact would have materially impacted the outcome of that Judgment.

The UNAT reviewed the documents submitted by the former staff member and concluded that they were all known to him prior to the issuance of the UNAT Judgment. The former staff member essentially repeated or added to the same arguments he made in his original appeal, and the UNAT had already considered and rejected these arguments.

The UNAT held that the applicant had failed to comply with the requirements set out in Article 11 of the UNAT statute, and thus, his application for revision must be dismissed.

Decision Contested or Judgment/Order Appealed

The former staff member filed an application for revision of Judgment No. 2023-UNAT-1359. In that Judgment, the UNAT had granted the Secretary-General's appeal of Judgment No. UNDT/2022/069, and reversed the UNDT's determination that the Administration acted unlawfully in the non-renewal of the staff member's fixed-term appointment.

Legal Principle(s)

The authority of a final judgment - *res judicata* - cannot be so readily set aside. There are only limited grounds for revision of a judgment, as enumerated in Article 11 of the Statute of the Appeals Tribunal.

An application for revision cannot be granted if the applicant fails to specify the new and decisive fact that the Appeals Tribunal was not aware of when it considered the original appeal.

No party may seek revision of a judgment merely because that party is dissatisfied with the pronouncement of the Appeals Tribunal and wants to have a second round of litigation.

An application for revision of a judgment cannot be a collateral means of contesting the judgment, nor can it be allowed to be a second right of appeal.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Application dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Mohammad Hossain

Entity

UNDP

Case Number(s)

2023-1848

Tribunal

UNAT

Registry

New York

Date of Judgement

23 Jul 2024

President Judge

Judge Gao

Judge Colgan

Judge Ziadé

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Revision of Judgment

Judgment-related matters

Applicable Law

UNAT Statute

- Article 11.1

Related Judgments and Orders

2023-UNAT-1359

2022-UNAT-1224

2010-UNAT-063

2023-UNAT-1352

2013-UNAT-391

2013-UNAT-356

2016-UNAT-680

2022-UNAT-1276