



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2024-UNAT-1414

Tejbir Singh Soni
(Applicant)

v.

Secretary -General of the United Nations
(Respondent)

JUDGMENT ON APPLICATION FOR REVISION

Before:	Judge Katharine Mary Savage, Presiding Judge Gao Xiaoli Judge Graeme Colgan
Case No.:	2023-1800
Date of Decision:	22 March 2024
Date of Publication:	19 April 2024
Registrar:	Juliet E. Johnson

Counsel for Applicant:	Self-represented
Counsel for Respondent:	Patricia C. Aragonés

JUDGE KATHARINE MARY SAVAGE , PRESIDING .

1. Mr. Tejbir Singh Soni, a former staff member of the United Nations Children's Fund (UNICEF), contested his separation from

8. On 9 July 2021, Mr. Soni formally requested legal assistance from the Office of Staff Legal Assistance (OSLA).⁵ On 27 October 2021, OSLA informed him that it would not represent him before the UNDT.

9. On 2 August 2021, Mr. Soni requested management evaluation of what he contended was his constructive dismissal by UNICEF, due to an inharmonious work environment and a lack of support which had compelled him to resign.⁶ On 31 August 2021, Mr. Soni's management evaluation request (MER) was rejected as not receivable on the grounds that it had not been filed within the mandatory time limit and that it did not contest an administrative decision.⁷

10. On 16 November 2021, Mr. Soni filed an application with the UNDT.⁸

11. On 13 January 2022, the UNDT rendered Judgment No. UNDT/2022/003.⁹ The UNDT found that Mr. Soni had known of the alleged implied contested decision to constructively dismiss him by 18 May 2021, being the date on which he reiterated his resignation, or at the latest, on the date UNICEF accepted his resignation on 23 May 2021. The UNDT found Mr. Soni's contentions regarding lack of orientation and support for filing the MER on time, i.e. ignorance of the law, unsupported and noted that a formal mediation process was never initiated.

12. Mr. Soni filed an appeal against the UNDT Judgment, maintaining that he was misguided by OSLA and OOFD during the period for filing the MER.¹⁰

13. By Judgment No. 2023-UNAT-1316 dated 4 April 2023, the UNAT dismissed Mr. Soni's appeal and affirmed the UNDT Judgment.¹¹

14. The UNAT found that the UNDT had not committed any errors when it found that Mr. Soni's application was irreceivable .¹² The UNDT was found to have correctly held that Mr. Soni had knowledge of the alleged constructive dismissal on either the date that he reiterated his resignation, being 18 May 2021, or "at the latest" when UNICEF accepted his

⁵ , para. 12.

⁶ , para. 13.

⁷ , para. 15.

⁸ Jud3R0BDC 9.96pMCID 45 BBDC 612i(h)-2t8 (ni)- N8 (n)0.6 (l9Tc 0 Tp)0.8 U(o)-8N8 (n)0.D (li)-T (i)-8/J0 Tc 2r6(i)2

resignation on 23 May 2021. His MER was filed on 2 August 2021, outside the 60-day statutory time limit which expired on 17 July 2021 or, at the latest, on 22 July 2021.

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outcome and attempts to relitigate his case. The authority of the prior Judgment cannot be set aside.

Considerations

25. The jurisprudence of this Tribunal is clear that the authority of a final judgment cannot be readily set aside. An application for revision cannot succeed where it does not meet the requirements of Article 11(1) of the Appeals Tribunal Statute (Statute) and seeks to re-litigate a matter already determined by the Tribunal in a final judgment. This accords with the principle of . It creates legal certainty and bring disputes already litigated to finality.

26. As consistently held by this Tribunal, an applicant for revision of a judgment, in terms of Article 11(1), 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.¹⁶ An application for revision of a final judgment must be made 30 calendar days after the discovery of the decisive fact and within one year of the issuing of the Judgment and can only succeed if it meets the strict and exceptional criteria established by Article 11 of the Statute.¹⁷

27. Mr. Soni does not fulfil the requirements for revision of the prior Judgment of the Appeals Tribunal. No new fact is advanced by Mr. Soni that was unknown either to him or the Tribunal at the time of the prior Judgment, nor one that would have been decisive in reaching the decision had it been known. Mr. Soni's application for revision amounts to a restatement of the material already placed before the Tribunal, which was considered and rejected, and constitutes an attempt to have the appeal, which was disposed of, re-heard .¹⁸ It follows that the application for revision cannot succeed in that it fails to meet the strict and exceptional criteria established by Article 11 of the Statute.

¹⁶

, Judgment No. 2021-UNAT-1152, para. 27;
, Judgment No. 2013-UNAT-393 at para 12 (internal citation omitted).

¹⁷ Judgment, , paras. 14 (internal citation omitted).

¹⁸ See , Judgment No. 2011-UNAT-163, para. 14.

28. The application therefore does not meet the requirements for revision and falls to be dismissed.

Judgment

29. Mr. Soni's application for revision of Judgment No. 2023-UNAT-1316 is dismissed.

Original and Authoritative Version: English

Dated this 22nd day of March 2024 in New York, United States.

Judge Savage, Presiding

Judge Gao

Judge Colgan

Judgment published and entered into the Register on this 19th day of April 2024 in New York, United States.

Juliet E. Johnson, Registrar