
Case No.: UNDT/GVA/2011/038

Judgment No.: UNDT/2012/083

Date: 4 June 2012



b. The application for revision does not fulfill the requirements of article 12.1 of the Tribunal's Statute. The Applicants have not identified any decisive fact which was unknown to them or the Tribunal at the time Judgment UNDT/2011/118 was rendered.

9. In Order No. 67 (GVA/2010), the Tribunal ruled on a request for revision of a decision it had previously rendered on an application for suspension of action. It held that:

14. The relevant legal provisions in the instant case are contained in articles 2.2, 11.3 and 12.1 of the Tribunal's statute:

Article 2.2:

The Dispute Tribunal shall be competent to hear and pass judgement on an application ... to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision...

provisions of articles 2.2, 11.3 and 12.1, that such orders are not open to revision.

17. Accordingly, the instant application for revision of Order No. 59 (GVA/2010), whereby the Tribunal rejected the applicant's request for suspension of action on the decision not to renew his fixed-term appointment, is inadmissible and must be rejected.

18. Even assuming, for the sake of the argument, that the above-mentioned Order is open to revision, which it is not, it would not be possible for the Tribunal to revise it since the contested decision has been fully implemented since 1 June 2010.

10. The Tribunal sees no reason to depart from the above-quoted ruling. The present application for revision is not receivable.

14. In any event, concerning the second requirement, it is clear that the facts relied upon by the Applicants were known to them before Judgment UNDT/2011/118 was rendered, including well before they filed their applications for suspension of action.

15. In view of the foregoing, the Tribunal DECIDES:

The application for revision is rejected.

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Judge Thomas Laker

Dated this 4th day of June 2012

Entered in the Register on this 4th day of June 2012

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René M. Vargas M., Registrar, Geneva