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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/010  
Judgment No.: UNDT/201

## **Introduction**

1. On 3 February 2017, the Applicant pursuant to art. 30 of the Dispute





may request an interpretation of the meaning or scope of a final judgment, “provided that it is not under consideration by the Appeals Tribunal.” The rules noted above do not preclude a party from seeking interpretation of a judgment before the deadline for appeal. It is possible that the very reason a party may request an interpretation of a Judgment is to clarify a party’s understanding of the Judgment in order to assess if the party will appeal. The Respondent indicates that he will appeal the Judgment which “would render the Dispute Tribunal *functus officio*.” To date, the Judgment has not yet been appealed and lack of jurisdiction is, thus, not a bar to receivability.

12. This Tribunal now considers whether the application is receivable in accordance with settled jurisprudence on interpretations of judgments. The United Nations Appeals Tribunal has held that an application for interpretation of judgment is receivable if the operative part of the judgment gives rise to uncertainty or ambiguity about its meaning (*Shanks* 2010-UNAT-065; *Dzuverovic* 2014-UNAT-

will of this Tribunal or the arguments leading to this Tribunal's decision. This Tribunal was clear in para. 96 of the Judgment that rescission of the decision, a fresh investigation, and referral to OHRM cannot be implemented as the subject of the complaint is no longer employed by the Organization.

15. The crux of the Applicant's request is for the Tribunal to make an additional determination as to whether his reliefs sought, "shall automatically take place should [the subject] gain future employment [...]." The Applicant, thus, "seeks clarity as to the actual decision of the Dispute Tribunal in such a situation." The Applicant is presenting a hypothetical scenario—the then ASG/DGACM's possible future return to employment with the United Nations—and is, in essence, requesting the Dispute Tribunal to revise its judgment to include a decision based on a possible future scenario concerning which there is no instant case or controversy before the Tribunal. Accordingly, as this is not a request for interpretation of the relief granted, the Tribunal rejects the application.

### **Conclusion**

16. The scope and meaning of the decision and relief granted to the Applicant, and the reasons therefore, are clear<sup>96</sup> of