



Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

SPRAUTEN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON WITHDRAWAL

Counsel for Applicant:
George G. Irving

Counsel for Respondent:
Kong Leong Toh, UNOPS

Introduction

1. On 20 January 2012, the Applicant, a former staff member of the United Nations Office for Project Services (“UNOPS”), who was employed by

Notice of withdrawal

5. On 7 May 2014, the Applicant filed a submission, stating:

In view of the fact that an agreement has now been reached and finalized through the execution of a settlement agreement of all outstanding claims related to the application, the Applicant wishes to request the withdrawal of his application fully, finally, and entirely on the understanding that this will constitute a final determination on the merits, and is without appeal.

Consideration

6. The desirability of finality of disputes within the workplace cannot be gainsaid (see *Hashimi* Order No. 93 (NY/2011) and *Goodwin* UNDT/2011/104). Equally, the desirability of finality of disputes in proceedings requires that a party should be able to raise a valid defence of *res judicata*, which provides that a matter between the same persons, involving the same cause of action, may not be adjudicated twice (see *Shanks* 2010-UNAT-026bis, *Costa* 2010-UNAT-063, *El-Khatib* 2010-UNAT-066, *Beaudry* 2011-UNAT-129). As stated in *Bangoura* UNDT/2011/202, matters that stem from the same cause of action, though they may be couched in other terms, are *res judicata*, which means that the applicant does not have the right to bring the same complaint again.

7. The object of the *res judicata* rule is that “there must be an end to litigation” in order “to ensure the stability of the judicial process”⁴⁵ snDa0.27s73se391 TwNer fi/TT6 1 T

Res judicata

Conclusion

9. The Applicant has withdrawn this case with finality, including on the merits, with the intention of resolving all aspects of the dispute between the parties. There no longer being any determination to make, this application is dismissed in its entirety without liberty to reinstate.

(Signed)

Judge Ebrahim-Carstens

Dated this 8th day of May 2014