

whether there would be any additional evidence to be requested in relation to the relief as indicated in the application.

that in the submission filed on 10 April 2018, she included a request for

verify if he would maintain this request as part of the relief.

11. The Tribunal recommended the parties to inform the Tribunal if they might consider entering into discussions for an informal resolution of the case in light of its particular circumstances, the recent jurisprudence of the Dispute Tribunal and Appeals Tribunal, and the additional information to be obtained from the Office of Human Resources Management regarding available suitable posts with identical or similar competencies to the ones the Applicant performed.

12. On 12 April 2018, the Applicant filed a submission informing the Tribunal that:

[7] [The Applicant] submits that, at the time he was notified of his termination and currently, he would consider Engineering Technician positions and any other suitable and similar positions available at the level of FS-4 and above.

[8] With respect to the direction made by the Tribunal at the [CMD] on 11 April 2018, that the Respondent provide details of all currently available similar posts as well as all similar posts that are at the same and lower level that [the Applicant] had since October 2017 until when he was separated on 18 January 2018, [the Applicant] submits that the Tribunal should consider expanding such a direction.

[9] Specifically, [the Applicant] maintains that it would also be relevant to have details of such posts since the date

that he received advance notice of termination on 31 July 2017 (Annex 5 of the [Dispute Tribunal] Application). [The Applicant] submits that the obligation on the Administration

23. The Tribunal considers that each person has the fundamental human right to free access to justice, which includes the right to file an application in front of an impartial tribunal, and therefore also the right to withdraw that application.

24. An application represents the materialization of an applica to appeal the contested decision. This is the first procedural act by which an applicant inv(n 2 17.52 reWbo-4()] TJETQl 3 1 122.42Q.00000912 0 612 792 reW*nQ-77(mate)4(r

justice is not absolute and can be subjected to limitations resulting from the application of the other principles. The principle of rule of law and the principle of legal certainty, expressed also by *res judicata*, require, *inter alia*, that an irrevocable decision given by the Tribunal not to be further questioned (*non bis in idem*) (see *Shanks* 2010-UNAT-026bis; *Costa* 2010-UNAT-063; *Meron* 2012-UNAT-198). As stated by the United Nations Appeals Tribunal in *Meron* to ensure the stability of the judicial process.

29. The Applicant expressed in his motion his will to withdraw his application and thereby to end the pending litigation.

30. In conclusion, the object of the withdrawal request filed on 14 September 2018 free will to end the litigation. Since the Applicant has withdrawn his application, the Tribunal no longer needs to make a determination on the merits and takes note of the withdrawal.

IT IS ORDERED THAT:

31. The Applicant has withdrawn the matter in finality. There being no matter for adjudication by the Dispute Tribunal, Case No. UNDT/NY/2018/012 is hereby closed without liberty to reinstate.

(Signed)

Judge Alessandra Greceanu

Dated this 20th day of September 2018