



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2013-519

Bali

(Applicant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 171 (2014)

1. On 1 July 2013, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2013/094 in the case of *Bali v. Secretary-General of the United Nations*. The Secretary-General appealed the Judgment to the United Nations Appeals Tribunal (Appeals Tribunal) on 3 September 2013, and Mr. Neeraj Bali answered on 22 October 2013.

2. On 29 October 2013, Mr. Bali, who is represented by counsel, filed a motion to introduce fresh evidence to show *inter alia* his continued but unsuccessful efforts to find alternative employment from the time of his separation from service. Such evidence goes toward rebutting the Secretary-General's claim on appeal that the UNDT erred in awarding excessive compensatory damages to Mr. Bali. In his motion, Mr. Bali states that the fresh evidence could not have been presented to the Dispute Tribunal. Citing several Orders of this Tribunal,¹ he argues that it, thus, should be admitted "in the interest of justice". The Secretary-General does not oppose Mr. Bali's motion.

3. Pursuant to Article 2(5) of the Statute of the Appeals Tribunal, the Appeals Tribunal may receive additional evidence in exceptional circumstances, if it is in the interest of justice and the efficient and expeditious resolution of the proceedings. The proffered evidence is primarily an updated list of the positions for which Mr. Bali has unsuccessfully applied. Given that the Secretary-General's appeal in

¹ Order No. 156 (*Hersh*, 2013); Order No. 123 (*Pio*, 2013); and Order No. 3 (*Koumoin*, 2010).

part challenges the amount of damages awarded to Mr. Bali and noting that the Secretary-General does not oppose the motion, this Tribunal finds the proffered evidence is relevant to the Appeals Tribunal's review of Mr. Bali's case and, in the interest of justice, the motion should be granted.

4. For the foregoing reasons, Mr. Bali's motion IS GRANTED. And IT IS ORDERED that the exhibits attached to the motion shall be part of the record before the Appeals Tribunal during its consideration of the case.

Original and Authoritative Version: English

Dated 23rd day of January 2014 in
Los Angeles, United States.

(Signed)
Judge Rosalyn Chapman
Duty Judge

Entered in the Register on this 23rd day of
January 2014 in New York, United States.

(Signed)
Weicheng Lin, Registrar