



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2020-1462

Shabnam Mallick

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 402 (2021)

1. On 27 July 2020, the United Nations Dispute Tribunal (UNDT) in New York issued Judgment No. UNDT/2020/128 in the case of *Mallick v. Secretary-General of the United Nations*, dismissing Ms. Shabnam Mallick's (the Appellant) application that challenged the Administration's decision not to renew her fixed-term appointment beyond the expiration date of 16 August 2018.
2. On 28 September 2020, the Appellant filed her appeal of the Judgment with the United Nations Appeals Tribunal (Appeals Tribunal). On 27 November 2020, the Secretary-General (Respondent) filed his answer.
3. On 17 January 2021, the Appellant filed a motion for leave to file additional pleadings before the Appeals Tribunal. On 11 February 2021, the Respondent filed his observations requesting the Appeals Tribunal to reject the motion.
4. The Rules of Procedure of the Appeals Tribunal (Rules) provide for the parties to file appeals, answers, cross-appeals and answers to cross-appeals. They do not provide for an appellant to file comments on an answer. Nevertheless, other pleadings may be allowed under Article 31(1) of the Rules as well as Practice Direction No. 1. Under Section II.A.3 of Practice Direction No. 1, an appellant may make "[a] motion requesting the permission of the Appeals Tribunal to file a pleading after the answer to the appeal"

and the Appeals Tribunal may grant such a motion “if there are exceptional circumstances justifying the motion”.

5. In the present motion, Ms. Mallick refers to documents that have already been submitted to the UNDT, seeking to either repeat arguments she had previously advanced in her appeal or rebut the arguments presented by the Secretary-General in his answer to the appeal. This is not permissible. From her narrative, two conclusions might be drawn: i) the facts are not new; and ii) there are no exceptional circumstances that could be established in order to justify receipt of any additional pleadings.

6. The UNAT has consistently held that, where an additional pleading merely consists of supplementary arguments to those already submitted in an appeal or answer, there are no “‘exceptional circumstances’ which would allow the admission of the additional argument”.¹

7. Accordingly, the motion for additional pleadings is without merit.

IT IS HEREBY ORDERED that Ms. Mallick’s motion seeking leave to file additional pleadings **IS DENIED**.

Original and Authoritative Version: English

Dated this 27th day of February 2021
in Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
President

Entered in the Register on this 1st day
of March 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ UNAT Order No. 173 (2014) (McCloskey), para. 6. See also UNAT Order No. 339 Corr. (2019) (Nouinou), para. 6; UNAT Order No. 396 (2021) (Dolgopolov).