



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2023-1800

Tejbir Singh Soni

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 527 (2023)

1. On 24 March 2023, the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) issued Judgment No. 2023-UNAT-1316 in the case of *Tejbir Singh Soni v. Secretary-General of the United Nations* (reviewable Judgment), dismissing Mr. Soni's appeal and affirming Judgment No. UNDT/2022/003.
2. On 5 May 2023, Mr. Soni filed an application for revision of the reviewable Judgment with the Appeals Tribunal, which was registered as Case No. 2023-1800. He submitted that he had become aware, from the reviewable Judgment, of the misleading nature of the facts submitted by the Respondent and of the partiality of the Appeals Tribunal. On 7 June 2023, the Secretary-General filed comments on the application for revision, requesting the Appeals Tribunal to reject the application.
3. On 5 July 2023, Mr. Soni filed a Motion to file additional pleadings and evidence. He states that exceptional circumstances include the Respondent having submitted contradictory information in different submissions and misguided the Appeals Tribunal; the appearance of the case being decided by the Secretary-General instead of the Appeals Tribunal; the ostensibly imminent partiality of the Appeals Tribunal and denial of justice; and his strong sense of having been stigmatized and systematically discriminated against as a Sikh.
4. On 28 July 2023, the Secretary-General filed the comments on the Motion for additional pleadings. The Secretary-General submits that the Motion should be rejected

because, as merely an expression of Mr. Soni's dissatisfaction with the outcome of his case, the additional pleadings repeat and supplement earlier submissions made to the Tribunals. The Secretary-General notes that there is no basis for re-admitting the annexed documents to the evidence as they are already part of the record and he has failed to explain why their admission would be in the interest of justice.

5. Article 31(1) of the Appeals Tribunal's Rules of Procedure and Section II.A.3 of the Appeals Tribunal's Practice Direction No. 1 provide that a motion to file an additional pleading may be granted if there are "exceptional circumstances justifying the motion".

6. Article 2(5) of the Appeals Tribunal's Statute (Statute) reads: "In exceptional circumstances, and where the Appeals Tribunal determines that the facts are likely to be established with documentary evidence, including written testimony, it may receive such additional evidence if that is in the interest of justice and the efficient and expeditious resolution of the proceedings.

7. The Appeals Tribunal 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

8. I find Mr. Soni has failed to establish exceptional circumstances that would allow receipt of his additional pleadings. I find the additional pleadings consist largely of repeating or supplementing submissions previously made before the Tribunals. He applies for revision of the reviewable Judgment that pertains to the issue of receivability, and the additional pleadings would not lead to efficient and expeditious resolution of this application as they either attempt to re-litigate his appeal or are already part of the record.

9. For these reasons, the Motion is denied.

IT IS HEREBY ORDERED that Mr. Soni's 5 July 2023 Motion for Additional Pleadings is **DENIED**.

¹ *Nastase v. Secretary-General of the United Nations*, UNAT Order No. 506 (2023), para. 7; *McCloskey v. Secretary-General of the United Nations*, UNAT Order No. 173 (2014), para. 6.

Original and Authoritative Version: English

Decision dated this 15th day of August 2023
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on this 15th day of
August 2023 in New York, United States.

(Signed)
Juliet Johnson,
Registrar