



Before: Judge Goolam Meeran

Registry: New York

Registrar: Hafida Lahiouel

HOSANG

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON APPLICATION FOR REVISION

Counsel for Applicant:

Nicholas C. Christonikos

Counsel for Respondent:

Stephen Margetts, ALS/OHRM, UN Secretariat

Sarahi Lim Baró, ALS/OHRM, UN Secretariat

Introduction

1. On 4 February 2015, the Tribunal issued Judgment No. UNDT/2015/12 *Hosang*. The Applicant's claim was upheld and the Respondent was ordered to pay to the Applicant (i) the monetary equivalent of Special Post Allowance from the GS-4 level to the GS-5 level, retroactive from 25 January 2000; (ii) USD1,000 for loss of opportunity and chance of applying, and being considered, for promotion to the post he encumbered; (iii) USD1,000 for any costs/expenses incurred by the Applicant in relation to the proceedings.

2. On 24 March 2015, the Applicant filed an application for revision of Judgment No. UNDT/2015/12.

Consideration

3. Article 12.1 of the Dispute Tribunal's Statute states (emphasis added):

1. Either party may apply to the Dispute Tribunal for a revision of an *executable* judgement on the basis of the discovery of a decisive fact which was, at the time the judgement was rendered, unknown to the Dispute Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. ...

...

4. Article 11, para.3, of the Dispute Tribunal's Statute provides that (emphasis added)

3. The judgements of the Dispute Tribunal shall be binding upon the parties, but are subject to appeal in accordance with the statute of the United Nations Appeals Tribunal. *In the absence of such appeal, they shall be executable following the expiry of the time provided for appeal in the statute of the Appeals Tribunal.*

5. Article 29 of the Dispute Tribunal's Rules of Procedure (Revision of judgments) mirrors the provision of art. 12.1 of the Tribunal's Statute.

6. The principal question is whether the judgment is executable. On 6 April 2015, the Respondent filed an appeal against Judgment No. UNDT/2015/012. The Judgment is therefore not executable at this stage.

7. Given the fact that the request for a revision of the judgment is premature, the Tribunal will refrain from commenting on the arguments put forward by the Applicant in support of his request.

8. The application for a revision of Judgment No. UNDT/2015/012 is refused.

(Signed)

Judge Goolam Meeran

Dated this 18th day of May 2015

Entered in the Register on this 18th day of May 2015

(Signed)

Hafida Lahiouel, Registrar, New York