



**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Judgment No. 2024-UNAT-1416

**Langa Dorji
(Applicant)**

v.

**Secretary-General of the United Nations
(Respondent)**

JUDGMENT ON APPLICATION FOR REVISION

Before:	Judge Graeme Colgan, Presiding Judge Nassib G. Ziadé Judge Kanwaldeep Sandhu
Case No.:	2023-1794
Date of Decision:	22 March 2024
Date of Publication:	23 April 2024
Registrar:	Juliet E. Johnson

Counsel for Applicant: Self-represented

Counsel for Respondent: Patricia C. Aragonés

JUDGE GRAEME COLGAN, PRESIDING.

1. Langa Dorji, a former staff member of the United Nations Joint Staff Pension Fund (UNJSPF), has applied to the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) pursuant to Article 11(1) of the Appeals Tribunal Statute (Statute) for the revision of Judgment No. 2022-UNAT-1278 (UNAT Judgment).¹
2. In that Judgment, the Appeals Tribunal dismissed the Applicant's appeal against Judgment No. UNDT/2021/120,² in which the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) rejected his application against the Administration's decision accepting his resignation as he failed to request management evaluation of that decision within the 60-day statutory period in accordance with Staff Rule 11.2(c).³
3. For the reasons given below, we dismiss the application for revision.

Facts and Procedure

4. The best account of the relevant background can be taken from the UNAT Judgment sought to be revised. We will simply summarise that here.
5. On 4 March 2019, the Applicant submitted a resignation letter and separated from service with the United Nations with effect from 4 April 2019.
6. More than two years later, on 25 June 2021, the Applicant submitted a request for management evaluation of what he contended was his coerced or forced resignation. On 22 July 2021, the Management Evaluation Unit (MEU) rejected his request on the grounds that it was time-barred, as it was not made within the 60-day time limit set out in Staff Rule 11.2(c). The MEU observed that even if his request had been receivable, it would have recommended that the Administration accepted his resignation lawfully, as he had not provided any evidence to support his allegations of coercion.
7. The Applicant's case had been that as a result of his treatment by supervisors, colleagues, and clients, he developed various medical conditions. He also complained about the selection of a colleague for a P-3 level position for which he had also applied, that other

¹ *Langa Dorji v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1278.

² *Dorji v. Secretary-General of the United Nations*, Judgment No. UNDT/2021/120.

³ Secretary-General's Bulletin ST/SGB/2018/1 (Staff Regulations and Rules of the United Nations).

person having been appointed directly from a roster of pre-approved candidates and without any formal interviews being conducted.

UNAT Judgment

8. While he acknowledged the lateness of his challenge, the Applicant's appeal to the UNAT alleged that his treatment, amounting to harassment and discrimination against a member of a minority, was a crime against humanity and a violation of fundamental human rights and freedoms. As such, he submitted that he was not out of time for bringing this type of case because it was criminal in nature and therefore not time-barred.⁴

9. The UNAT found that his appeal was defective and that he had failed to identify any of the five grounds of appeal set out in Article 2(1) of the Statute, at least one of which must form the legal basis of an appeal.⁵

10. Additionally, the UNAT pointed out Article 8(1)(c) of the Dispute Tribunal Statute and Staff Rule 11.2(a), which require the Applicant to make a timely request for management evaluation of the contested decision. This was a mandatory first step before the filing of his application before the UNDT. The UNAT found that his request for management evaluation was made outside the 60-day statutory time limit by more than two years.⁶

11. In these circumstances his appeal was dismissed and the UNDT Judgment was upheld.

Submissions

Mr. Dorji's Application

12. The Applicant's grounds for revision of the UNAT Judgment are that his case was erroneously put before the UNDT (we infer, by the Applicant himself) whereas it should have been dealt with by the UNJSPF, where he was employed. He asserts that no action was taken against what he refers to as "the perpetrators", we assume of the misconduct he alleges occurred against him. He contends that the United Nations Charter was violated and he makes extreme statements alleging criminal management of the UNJSPF.

⁴ UNAT Judgment, para. 13.

⁵ *Ibid.*, paras. 21-24.

⁶ *Ibid.*, paras. 26-28.

13. The Applicant complains that immediately following his resignation, another insufficiently experienced person, Ms. R.P., was appointed and that what he describes as “the time bar” should have been applied, but was not.

14. The Applicant submits that the institutions that have handled his case are biased against him, lack independence, and therefore have operated unlawfully. He argues that the 60-day time limit applied to initiating proceedings before the UNDT was intended to protect corrupt managers rather than to enable just verdicts to be rendered.

15. The remedies sought by the Applicant on revision include “[addressing the] case in a responsible and justified manner” as well as compensation of USD 2,9 million.

The Secretary-General’s Comments

16. The Secretary-General’s submissions essentially focus on the Applicant’s failure to bring his circumstances within the tight statutory boundaries required for a revision to be accepted.

17. The Secretary-General contends that Mr. Dorji’s application does not reflect the discovery of any decisive new fact unknown to him or to the Appeals Tribunal when it rendered its Judgment but rather merely indicates his dissatisfaction with the UNAT Judgment. The Secretary-General further submits that the Applicant’s submissions are a repetition of the ones he made before the UNAT and the UNDT.

Considerations

18. The statutory tests for revision of a UNAT judgment are set out in Article 11(1) of the Statute. They are multiple and cumulative; all must be met before the Appeals Tribunal can revise a judgment. First, there must have been discovered a decisive fact which was unknown to the Appeals Tribunal and to the Applicant at the time the judgment sought to be revised was rendered. Second, that state of affairs cannot arise from an applicant’s negligence. Third, such an application must be made within 30 calendar days following the discovery of the fact and within one year of the date of the judgment.

19. We reiterate that the UNDT was the correct body to have considered the Applicant’s case had he complied with the jurisdictional prerequisites, including management evaluation.

Indeed, we note that he himself applied to the UNDT. While issues affecting staff members' pensions are dealt with by the UNJSPF (and on appeals, by the UNAT), matters relating to the employment of UNJSPF staff members are within the mainstream United Nations employment jurisdiction; that is, after timely management evaluation, they come before the UNDT and, on appeal therefrom, also to the UNAT.

20. Mr. Dorji's application for revision is, in effect, a request that we reconsider his previous unsuccessful appeal which was, in turn, an unsuccessful attempt to relitigate his claims of constructive and unlawful dismissal. Indeed, the Applicant's submissions are essentially a reiteration of the arguments previously advanced and rejected, and a continuation of the innapropriate and unfounded accusations directed at persons and institutions who and which have found against him.

21. The Applicant has failed to meet the statutory requirements of establishing a relevant, previously unknown, and decisive fact. His application fails at the first hurdle.

22. In relation to the issue of receivability in particular, on which his case has foundered on each occasion, the application not only does not meet the statutory criteria for a revision but is also an attempt to relitigate issues that have been decided against him on their merits and in respect of which we can detect no error by either the UNDT or by the UNAT on appeal.

23. Much of the Applicant's dissatisfaction appears to be with matters that are both beyond our competence and which we cannot change. The Applicant's submissions further contain a number of unfair and inappropriate accusations against those persons and institutions that have dealt with his case and in which he has been unsuccessful. They are not statutory grounds for a revision and add nothing to his case.

24. Revisions of judgments, whilst possible, are tightly constrained by statutory law enacted by the General Assembly and it is not open to this Tribunal to override or rewrite these rules. For all the foregoing reason, Mr. Dorji's application for revision is dismissed.

25. Last, because the Applicant is unrepresented, we draw to his attention his potential liability for an order of costs in favour of the Secretary-General if he persists further in making applications such as this which would constitute an abuse of the judicial process.

Judgment

26. Mr. Dorji's application for revision of Judgment No. 2022-UNAT-1278 is dismissed.

Original and Authoritative Version: English

Dated this 22th day of March 2024 in New York, United States.

(Signed)

Judge Colgan, Presiding

(Signed)

Judge Ziadé

(Signed)

Judge Sandhu

Judgment published and entered into the Register on this 23rd day of April 2024 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar