

Introduction

1.

decisions have to be issued by order. The final determination of this case was judgment UNDT/2010/009, dated 22 January 2010.

8. Article 12, paragraph 3, of the Tribunal's statute provides that:

“Either party may apply to the Dispute Tribunal for an interpretation of the meaning or the scope of the final judgement, provided that it is not under consideration by the Appeals Tribunal.”

9. The competence of the Tribunal to issue an interpretation of one of its judgments is undisputed, in light of the above-cited provision. Additionally, in the instant case, the judgment has not been appealed by either party, and could not be so at this juncture, inasmuch as the 45-day time limit prescribed to this effect has already expired; consequently, the judgment in question is not under consideration by the Appeals Tribunal.

10. However, a request for interpretation of a judgment is receivable only if the operative part of it gives rise to uncertainty or ambiguity about its meaning or import. This has been consistently held by other international administrative tribunals which were vested, before UNDT, with the power to interpret their own judgments (see e.g. ILOAT, Judgment 802, In re Van Der Peet (No. 10);

consideration of the merits of the case, and will not enter either into the question, raised by the Respondent, of whether the remedy granted was or was not ultra petita.

Decision

15. For the reasons stated above,

The present request for interpretation of judgment UNDT/2010/009 is rejected as irreceivable.

(Signed)

Judge Thomas Laker

Dated this 9th day of April 2010

Entered in the Register on this 9th day of April 2010

(Signed)

Víctor Rodríguez, Registrar, UNDT, Geneva