

Registry's translation, the French text alone being authoritative.

## FIFTY-SIXTH ORDINARY SESSION

In re THADANI (No. 2)

(Application for review)

Judgment No. 682

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 623 filed by Mr. Rupchand Thadani on 5 October 1984, the reply filed by the Food and Agriculture Organization of the United Nations (FAO) on 27 November, the applicant's rejoinder of 25 January 1985 and the FAO's surrejoinder of 8 March 1985;

Considering Articles II, paragraph 5, and VI, paragraph 1, of the Statute of the Tribunal;

Having examined the written evidence;

### CONSIDERATIONS:

1. The Tribunal has consistently acknowledged that it may revise its own judgments. Although according to Article VI(1) of its Statute a judgment is final and not subject to appeal it will entertain an application for review, albeit only in exceptional and strictly defined circumstances which it itself determines.

It has explained in previous judgments the admissible grounds for review.

2. The complainant's application for review of Judgment 623 rests on the contention that the Tribunal disregarded certain facts and arguments and omitted to rule on claims set out in his original complaint.

The Tribunal will first determine whether the plea comes within the scope of the grounds for review it treats as admissible.

The complainant has produced no evidence to suggest that the Tribunal overlooked any essential fact in hearing his complaint: the facts he cites in his application were taken into account in its judgment.

One admissible plea for review would be a material error, but he does not allege any, and the question therefore does not arise.

Another admissible plea would be the emergence of some new fact, subsequent to the judgment, which would warrant review. But the complainant alleges no such fact, and again the Tribunal need not consider a plea of that kind.

Lastly, there would be grounds for review had the Tribunal failed to rule on some claim advanced in the original complaint, and indeed this is the nub of the complainant's present application. But the Tribunal holds that in Judgment 623 it ruled on each of his claims. There is no need for the Tribunal to take up the issues in the order in which the complainant presents them: what it must do is rule on the material issues and on the claims before it. In the exercise of its jurisdiction it has discretion to present the issues and rule on them as it sees fit. Thus it may disregard the complainant's own presentation and take several pleas together. And this is what it did in Judgment 623: it ruled on each of the issues the complainant had raised.

3. The Tribunal concludes that the pleas numbered from 1 to 10 and 12 set out in Appendix Y to the application afford no grounds for review of the judgment.

As for plea 11, it fails because it raises an issue that cannot be determined in the context of an application for review and falls wholly outside the scope of the grounds for review which the case law acknowledges to be admissible.

4. For the foregoing reasons the Tribunal will not review Judgment 623 and rejects the claims in Annex Z dated 1 October 1984.

DECISION:

For the above reasons,

The application is dismissed.

In witness of this judgment by Mr. André Grisel, President of the Tribunal, Mr. Jacques Ducoux, Vice-President, and Mr. Héctor Gros Espiell, Deputy Judge, the aforementioned have signed hereunder, as have I, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 19 June 1985.

(Signed)

André Grisel

Jacques Ducoux

H. Gros Espiell

A.B. Gardner