





3. By Order No. 55 (NY/2013), dated 26 February 2013, the Tribunal directed the parties to attend a case management discussion on 7 March 2013. The Tribunal noted that, if successful, the Applicant's claim concerned a disputed period of a mere 25 days of sick leave.
4. On 6 March 2013, one day before the case management discussion, the parties filed a joint submission requesting to suspend the proceedings to allow them to resolve the matter informally.
5. By Order No. 67 (NY/2013), dated 14 March 2013, the Tribunal suspended the proceedings for two weeks. In view of the nature and amount of the claim in dispute and the costs already incurred, as well as potential costs of the medical board and subsequent litigation, the Tribunal commended both parties for their efforts to resolve the case amicably. The Tribunal noted that such efforts should be encouraged as amicable resolution of cases saves the valuable resources of staff and the Organization and contributes to a harmonious working relationship between the parties.
6. On 20 March 2013, the parties filed a joint submission stating that, although they had made progress in their discussions with a view to resolving this matter informally, they needed an extension of two weeks to reach a final resolution.
7. By Order No. 75 (NY/2013), dated 21 March 2013, the Tribunal granted an extension of two weeks, directing that at the expiration of the extension, the parties shall inform the Tribunal whether the matter has been resolved fully, finally, and entirely, including on the merits.
8. On 5 April 2013, the Applicant filed a submission stating: "Pursuant to the terms of conditions of a confidential settlement agreement, the Applicant respectfully requests to withdraw his application". He stated that he was withdrawing "in their entirety all of his allegations and claims in the proceedings". The Applicant



11. Once a matter has been determined, ~~parties~~ should not be able to re-litigate the same issue. An issue, broadly speaking, matter of fact or question of law in a dispute between two or more parties which a court is called upon to decide and pronounce itself on in its judgment. Article 20 of the Tribunal's Statute states that the Tribunal "shall be competent to hear ~~parties~~ judgment on an application filed by an individual", as provided for in art. 1 of the Statute. Generally, a judgment involves a final determination of the ~~proceedings~~ or of a particular issue in those proceedings. The object of the *res judicata* rule is that "there must be an end to litigation" in order "to ensure the ~~ability~~ of the judicial process" (*Merou* 2012-UNAT-198) and that a litigant should not ~~have~~ to answer the same cause twice.

12. For example, a judgment on the ~~exception~~ that a claim ~~discloses~~ no cause of action can support a plea of *res judicata*, but not a judgment upholding an exception on a purely technical ground. Similarly, an ~~order~~ of absolute from the instance is ordinarily not decisive of the issues ~~raised~~ as it decides nothing for or against either party and it is accordingly not a final judgment capable of sustaining a plea of *res judicata*.

13. Therefore, a determination on a technical interlocutory matter is not a final disposal of a case, and an ~~order~~ for withdrawal is not always decisive of the issues raised in a case. *Monagas* UNDT/2010/074, the Tribunal ~~dealt~~ with a withdrawal by the applicant on the grounds that he ~~intended~~ to commence proceedings against the Organization in the national courts of Venezuela. The Tribunal enquired of the applicant's counsel whether the applicant was aware as to the status of the United Nations before national courts, the fact that the United Nations retained discretion regarding its own immunity, and therefore of the hurdles the applicant might face seeking relief in such a manner. Further, ~~notwithstanding~~ that the matter had not been canvassed on the merits, it would be ~~unlikely~~ for it to be reinstated once dismissed. In that case, the Tribunal ~~reached~~ the judgment of Judge Cousin *Sub-Mekkour* UNDT/2010/047 where he found the application of "a general principle of procedural law that the right to institute legal proceedings is predicated upon

