



World Bank Administrative Tribunal

2013

Order No. 2013 - 4

**Shyamalendu Pal,
Applicant**

v.

**International Bank for Reconstruction and Development,
Respondent**

**World Bank Administrative Tribunal
Office of the Executive Secretary**

**Shyamalendu Pal,
Applicant**

v.

**International Bank for Reconstruction and Development,
Respondent**

1. This judgment is rendered by the Tribunal in plenary session, with the participation of Judges Stephen M. Schwebel (President), Florentino P. Feliciano (Vice-President), Mónica Pinto (Vice-President), Jan Paulsson, Ahmed El-Kosheri, Andrew Burgess and Abdul G. Koroma.

2. The Application was received on 3 July 2013. The Applicant seeks a review of the Tribunal's decisions on his earlier applications in *Pal*, Decision No. 365 [2007] and *Pal (No. 2)*, Decision No. 406 [2009].

3. The Applicant states that he is aware that the Tribunal's decisions are final. He contends that his "appeal" is not directed at the judgments but at "the panels of the [Tribunal]" which made the decisions on his earlier applications. He argues that, in making Decisions No. 365 and No. 406, the Tribunal misinterpreted several items of evidence, failed to properly scrutinize or see the implications of them, and took the Bank's arguments "at face value and did not bother to verify the contents of the documents and the correctness ... of [the] Bank's arguments." He submits that the Tribunal should have rejected the Bank's arguments and that it failed to explain why it did not accept his arguments. He asserts that the Tribunal process was unfair and biased in favor of the Bank and against him. He also complains that he was not granted an oral hearing by the Tribunal.

4. The Tribunal's Decisions No. 365 and No. 406 provide extensive reasons for the conclusions reached in those cases. The Applicant submits no evidence of bias or unfairness on the part of the Tribunal in either case, contending only that this is to be implied from the fact that the Tribunal's interpretation of the relevant evidence differed from his own. While the Applicant acknowledges that Tribunal decisions are final and asserts that his complaints relate to the Tribunal process, his submissions in fact largely relate to what he conceives to be the proper interpretation of the relevant evidence.

5. Article XI of the Tribunal Statute makes clear that judgments shall be final and without appeal. The Tribunal recalls that, in 2010, the Applicant sought to challenge these same two decisions. He claimed that certain documents had not been considered by the Tribunal and requested that the decisions be revised pursuant to Article XIII of the Statute. The Tribunal held that facts the Applicant claimed to be new were in fact known both to the Applicant and the Tribunal when the two judgments were delivered. *Pal*, Order No. 2010-1 [2010], para. 5.

6. The Applicant may, of course, disagree with the Tribunal's interpretation of the evidence in his cases, but he must recognize that the Tribunal's judgment represents the last step along the path of settling disputes arising between the Bank and its staff. It is long-established that there is no provision for further litigation, no matter how dissatisfied either party may be with the Tribunal's judgment. *van Gent (No. 2)*, Decision No. 13 [1983], para. 21. The Tribunal has also previously noted it shares the position of the International Court of Justice rejecting the contention that for a judgment to be adequately reasoned every particular plea has to be discussed and reasons given for upholding or rejecting each one. *van Gent (No. 2)*, Decision No. 13 [1983], para. 28. As the International Court held:

Neither practice nor principle warrants so rigorous an interpretation of the rule, which appears generally to be understood as simply requiring that a judgment shall be supported by a stated process of reasoning. This statement must indicate in a general way the reasoning upon which the judgment is based; but it need not enter meticulously into every claim and contention on either side. While a judicial organ is obliged to pass upon all the formal submissions made by a party, it is not obliged, in framing its judgment, to develop its reasoning in the form of a detailed examination of each of the various heads of claim submitted. (Application for Review of Judgment No. 158 of the UNAT, I.C.J. Reports 1973, pp. 210-211).

7. Article XIII of the Tribunal's Statute provides a limited exception to the principle that the Tribunal's judgments are final. In short, a party may request revision of a judgment within six months of a new and decisive fact coming to light, providing that fact "shakes the very foundations of the Tribunal's persuasion." *Kwakwa (No. 2)* Decision No. 350 [2006], para. 19; *van Gent (No. 2)*, Decision No. 13 [1983], paras. 22-23.

8. In the present Application, the Applicant argues that the Tribunal misinterpreted certain items of evidence in his previous cases and that its process was unfair, but he presents no new and decisive facts that might trigger Article XIII. The essence of his complaint appears to be no more than that he disagrees with the Tribunal's interpretation of the evidence put before it. Pursuant to Article XI of the Statute of the Tribunal, this Application is plainly irreceivable.

DECISION

The Application is summarily dismissed.

/S/ Stephen M. Schwebel
Stephen M. Schwebel
President

/S/ Olufemi Elias
Olufemi Elias
Executive Secretary

At Washington, D.C., 3 October 2013