

EIGHTY-SIXTH SESSION

In re Sethi (No.4)

(Application for review)

Judgment 1824

The Administrative Tribunal,

Considering the application filed by Mr. Devendra Nath Sethi on 8 August 1998 for review of Judgment 1657;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant is applying for the review of Judgment 1657, which the Tribunal delivered on 10 July 1997 and by which it dismissed his third complaint as irreceivable.
2. He does not allege fraud on the part of the defendant, the World Health Organization (WHO). Nor does he allege the recent discovery of any new fact so material as to make it probable that the outcome would have been different if it had been known at the time of the judgment. In fact all he does is assert that the judgment was wrong and attempt to reargue the issue of receivability.
3. The authority of a final judgment - *res judicata* - cannot be so readily set aside. There are two sides to every case and the party who loses will usually believe that the Tribunal committed an error. There must, however, be an end to litigation and the stability of the judicial process requires that final judgments of the kind here at issue be set aside only on limited grounds and for the gravest of reasons.
4. The complainant invokes no valid reasons for review of Judgment 1657.
5. His application must be summarily dismissed in accordance with Article 7 of the Tribunal's Rules.

DECISION

For the above reasons,

The application is dismissed.

In witness of this judgment, adopted on 13 November 1998, Mr. Michel Gentot, President of the Tribunal, Miss Mella Carroll, Vice-President, and Mr. James K. Hugessen, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 28 January 1999.

Michel Gentot

Mella carroll

James K. Hugessen

A.B. Gardner