

UNDT/2010/023, Lesar

UNAT Held or UNDT Pronouncements

In cases deemed suitable to be decided by summary judgment, usually an oral hearing is not necessary. In non-disciplinary cases, it is a matter of judicial discretion to hold an oral hearing or to abstain from it. The mandate of UNDT is confined to the review of administrative decisions. Although the definition of this term may be disputed, it is beyond question that administrative decisions must by essence be taken by the Administration. Since the decisions of former UNAT are judicial decisions, they cannot be contested before UNDT. The provisions on transitional measures apply to pending UNAT cases only. Cases closed by judgments of former UNAT are res iudicata.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application with former UNAT in 2006. On 31 July 2009, former UNAT issued a judgement rejecting his application in its entirety. On 6 November 2009, his counsel discovered a memorandum in the Applicant's OSF which he considered illegal. On 30 November 2009, the Applicant filed an application with UNDT, alleging that the judgement of former UNAT would have been different if the existence of the memorandum had been known. He also requested an oral hearing.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Lesar

Entity

UNMIK

Case Number(s)

UNDT/GVA/2009/097

Tribunal

UNDT

Registry

Geneva

Date of Judgement

4 Feb 2010

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)
Procedure (first instance and UNAT)
Oral hearings

Applicable Law

Former UNAT Statute
GA Resolutions
Secretary-General's bulletins

- ST/SGB/2009/11

UNDT Statute

- Article 2.1
- Article 2.7

Related Judgments and Orders

UNDT/2009/077
UNDT/2009/086
UNDT/2010/004
UNDT/2010/018