

UNDT/2010/166, Luvai

UNAT Held or UNDT Pronouncements

Judicial Review is a supervisory jurisdiction. It is not a jurisdiction which a tribunal may exercise over itself. The former UNAT and the UNDT were and are creatures of statute. Each has the ability, inherent to all courts and tribunals, to imply powers to prevent abuses of process; however, the jurisdiction of each tribunal is limited by the provisions of its respective empowering statute. In the absence of specific jurisdiction conferred on a statutory tribunal by statute, the power to exercise a supervisory jurisdiction such as judicial review cannot be implied. This conclusion is reinforced by the existence of Article 12 of the Statute of the UNDT which echoes Article 12 in the Statute of the former UNAT. This article gives the Tribunal the power to revise its own decisions subject to the stipulated criteria being met. Article 12 constitutes the full extent of any jurisdiction of the Tribunal to self-review. It falls well short of conferring the significant and powerful jurisdiction of Judicial Review over its own processes or over any other Tribunal such as the former UNAT.

Decision Contested or Judgment/Order Appealed

The Applicant has applied for “Judicial Review” of UNAT Judgment 1421.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Outcome Extra Text

The Tribunal concludes and decides that it has no jurisdiction to hear and determine the application for Judicial Review. The Applicant's application is not receivable and is dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Luvai

Entity

UNON

Case Number(s)

UNDT/NBI/2010/02/UNAT/1496

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

20 Sep 2010

Duty Judge

Judge Shaw

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Standard of review (judicial)

Judicial review (general)

Applicable Law

UNDT Statute

- Article 12