

UNDT/2012/144, Gehr

UNAT Held or UNDT Pronouncements

Appealable administrative decision: Both the determination that a ruling on a request for recusal should be issued in the form of an order or of a judgment and the decision to publish such rulings on the Tribunal's website are matters of internal organization which do not constitute acts adversely affecting staff members' rights.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision to publish in a separate section of the Tribunal's website the Order of the President of the Dispute Tribunal rejecting his motion for recusal. He submitted in particular that this decision contravened the agreed terms and conditions of his former employment and that it singled out his motion for recusal from other similar motions, thereby violating his right to equal treatment. The UNDT considered that the contested decision did not constitute a challengeable administrative decision as it did not constitute an act adversely affecting the Applicant's rights. It accordingly rejected the application by summary judgment.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Gehr

Entity

UNODC

Case Number(s)

UNDT/GVA/2012/79

Tribunal

UNDT

Registry

Geneva

Date of Judgement

30 Sep 2012

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

UNDT RoP

- Article 28
- Article 9

UNDT Statute

- Article 11.6
- Article 2.1
- Article 4.9

Related Judgments and Orders

UNDT/2009/077

UNDT/2009/086

2010-UNAT-049

2011-UNAT-173

UNDT/2010/111