

# **UNDT/2013/008, Obino**

## UNAT Held or UNDT Pronouncements

Administrative decision: The Tribunal held that while the Application appeared to be challenging a decision of the Secretary-General, the fundamental decision being contested was actually the ICSC decision to reclassify the Addis Ababa duty station. Noting that the ICSC is an independent entity, the Tribunal held that: (i) its decision cannot be imputed to the Secretary-General; (ii) it cannot extend its jurisdiction to include decisions made by the ICSC; and (iii) that the Secretary-General has not been vested with any discretionary authority with respect to the implementation of ICSC decisions. Consequently, the Tribunal concluded that Applicant is not challenging an administrative decision within the meaning of art. 2.1(a) of the Tribunal's Statute.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the Secretary-General's decision to implement a reclassification decision made by the ICSC with respect to the Addis Ababa duty station.

## Legal Principle(s)

N/A

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Obino

## Entity

ECA

## Case Number(s)

UNDT/NBI/2010/057

UNDT/NBI/2012/13

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

2 Jul 2013

## Duty Judge

Judge Boolell

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Administrative decision

Definition

Benefits and entitlements

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

## Applicable Law

Laws of other entities (rules, regulations etc.)

- ICSC Statute

UNDT RoP

- Article 19
- Article 28.2
- Article 6.2

UNDT Statute

- Article 4.9

UNAT Statute

- Article 2.1(a)

## Related Judgments and Orders

2010-UNAT-058

2011-UNAT-165