

UNDT/2013/048, Reid

UNAT Held or UNDT Pronouncements

The Tribunal reasoned that when seeking to challenge a policy, it was imperative that an applicant was specific in identifying how that policy had adversely affected him. A broad brush suggestion that a particular policy was discriminatory was not sufficient for purposes of litigation. The Tribunal emphasized that it was not in the business of reviewing policies within the Organization, except where an Applicant clearly demonstrated that a specific decision had been made, which was adverse to his or her interests, in furtherance of that policy.; In light of the above, the Tribunal concluded that presented as it was, the application left the Tribunal with little choice but to refuse it for want of subject-matter jurisdiction. The application was accordingly dismissed.

Decision Contested or Judgment/Order Appealed

The Applicant contested what he described as “the decision not to give [him] a decision regarding discrimination against men in the UN hiring process in general and the rostering process in particular”. The Applicant’s aim was to get a justification and a change in the UN recruitment policy.

Legal Principle(s)

Pursuant to art. 2.1(a) of the UNDT Statute, the Tribunal is competent to hear and pass judgment on an application filed by an individual to appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Reid

Entity

UNSMIL

Case Number(s)

UNDT/NBI/2012/42

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

12 Mar 2013

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Fixed-term appointment

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

Staff selection (non-selection/non-promotion)

Applicable Law

UNDT RoP

- Article 8.2(e)

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

2014-UNAT-419