

UNDT/2013/061, Ngokeng

UNAT Held or UNDT Pronouncements

Administrative decisions: What an administrative decision is or is not depends on the nature of the decision, the legal framework under which the decision has been made and the consequences of the decision, which dispels any notion that administrative decisions can be placed in any kind of legal strait jacket. Performance evaluation: Notwithstanding the bar to rebutting successful performance ratings in section 15.1 of ST/AI/2010/5, when a contested administrative decision is alleged to be in violation of the legal issuances of the Organization, it is actionable before the Tribunal in so far as it relates to the Applicant's contract of employment.

Decision Contested or Judgment/Order Appealed

The Applicant filed an Application contesting two decisions; 1) the decision to suspend the selection process for the position of Chief of the Language Services Section and to reject his application for that position so as to retain the incumbent beyond her retirement age and 2) The improper evaluation of his performance for the 2011/2012 performance cycle.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Ngokeng

Entity

ICTR

Case Number(s)

UNDT/NBI/2012/054

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

28 Mar 2013

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Performance management

Performance evaluation

Applicable Law
Administrative Instructions

- ST/AI/2010/3
- ST/AI/2010/5

UNDT Statute
UNAT Statute

- Article 2.1(a)

Related Judgments and Orders
2010-UNAT-058