

UNDT/2014/125, Selim

UNAT Held or UNDT Pronouncements

The Application was found to be not receivable on grounds that the Applicant was not specific as to the administrative decision he was challenging and did not seek management evaluation of any decision. The Tribunal has jurisdiction to determine whether an administrative action was properly taken. This presupposes that a staff member who is challenging an administrative decision clearly identifies the decision he is seeking to challenge. The applicant must also comply with the sine qua non requirement of requesting management evaluation of the impugned decision within the stipulated timelines. The Tribunal is also “competent to review its own competence or jurisdiction in accordance with Article 2(6) of its Statute”. Where a staff member is not satisfied with the determination made by the Secretary-General, that staff member may within a period of thirty days submit a request for reconsideration pursuant to art.17 of Appendix D to the Staff Rules. The decision of the Secretary-General pursuant to an art.17 request would be open to judicial scrutiny. The court’s scrutiny is however limited to determining whether all the procedural requirements relating to the merit and assessment of the claim have been complied with. The Tribunal has no jurisdiction to evaluate the amount of compensation a staff member is entitled to following injuries suffered in the course of employment.

Decision Contested or Judgment/Order Appealed

The issue to be determined is whether the claim for compensation for the injuries suffered by the Applicant and the fact that he was not moved to another mission are receivable.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Selim

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2011/034

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

16 Oct 2014

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Staff Rules

- Appendix D

UNDT Statute

- Article 2.6

Related Judgments and Orders

2010-UNAT-049

2014-UNAT-419

2013-UNAT-335