

UNDT/2014/127, Staedtler

UNAT Held or UNDT Pronouncements

The Applicant contests OSLA's decisions of 5 November 2013 not to represent him in two of the cases he had at the time pending at the Tribunal. The Tribunal found that the application was receivable. It rejected the application on the merits, on the grounds that the decisions constituted a legal exercise of discretion on the part of OSLA, which had provided the Applicant with extensive legal assistance, had carefully considered all the issues and gave valid reasons on why it would not represent the Applicant. The Tribunal further found that the Applicant failed to provide evidence that OSLA decisions were arbitrary or otherwise based on extraneous factors. The application was dismissed.

Decision Contested or Judgment/Order Appealed

The application was one of a series of applications filed by the Applicant—some of which had already been disposed of by the Tribunal—with respect to, inter alia, the non-renewal of his appointment and his complaint about retaliation.

Legal Principle(s)

Receivability: The decision by OSLA not to represent an Applicant is an administrative decision subject to judicial review by the Tribunal. Right to legal assistance: Under staff rule 11.4(d), OSLA is obliged and staff members are entitled to legal assistance, but not to legal representation. OSLA has discretion in deciding whether or not to represent a client before the Tribunal. In taking that decision, OSLA is subject to the usual limits attached to the exercise of discretion in administrative law.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Staedtler

Entity

UN-Habitat

Case Number(s)

UNDT/GVA/2014/52

Tribunal

UNDT

Registry

Geneva

Date of Judgement

21 Oct 2014

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Legal services (OSLA or other) and self-representation

Legal representation

Applicable Law

Staff Rules

- Rule 11.4(d)

UNDT RoP

- Article 12

Related Judgments and Orders

UNDT/2011/024

2012-UNAT-199

2010-UNAT-021