

# **UNDT/2016/215, Ntuk**

## **UNAT Held or UNDT Pronouncements**

The application was not receivable because the Applicant was a former staff member of UNIDO. While the Applicant had no locus standi before UNDT, his case would have been properly filed either with ILOAT or UNAT.

## **Decision Contested or Judgment/Order Appealed**

The Applicant contested the decision not to conduct an investigation in relation to the alleged alteration of the United Nations Joint Staff Pension Fund (UNJSPF) instructions for payment of benefits that the Applicant submitted upon his retirement.

## **Legal Principle(s)**

UNIDO is a specialized agency of the United Nations. The UNDT has no jurisdiction to hear applications from staff members or former staff members of UNIDO.; UNIDO staff members have access to an internal Joint Appeals Board to challenge administrative decisions. Furthermore, UNIDO staff members have the right of further appeal against administrative decisions before the Administrative Tribunal of the International Labour Organization (ILOAT); There is an exception, however, in relation to appeals concerning the decisions of the; Standing Committee acting on behalf of the United Nations Joint Staff Pension Board (UNJSPB) where staff members including those of UNIDO shall have direct recourse to the United Nations Appeals Tribunal (UNAT).

## **Outcome**

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ntuk

## Entity

Other Agency/Fund/Programme/UN Entity

## Case Number(s)

UNDT/NBI/2016/086

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

5 Dec 2016

## Duty Judge

Judge Izuako

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

## Applicable Law

Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)
- Rule 11.4

UNDT RoP

- Article 35
- Article 7

UNDT Statute

- Article 3.1(a)
- Article 3.1(b)
- Article 8.3