

UNDT/2017/072, Kataye

UNAT Held or UNDT Pronouncements

No legal implementation of an expired decision: The Tribunal underlines that, after its expiration a decision cannot any longer produce legal effects and therefore cannot be implemented and / or extended and that any such action constitutes itself a breach of procedural fairness.

Decision Contested or Judgment/Order Appealed

The Applicant, a Personal Assistant at the FS-5 level with the United Nations Interim Security Force for Abyei (“UNISFA”) contested the 27 December 2015 and 23 March 2016 decisions to reassign her to other functions in UNISFA. The Tribunal found the 27 December 2015 decision to not be receivable *rationae temporis* as the application was not filed mandatory 90-day deadline for filing an application before the Dispute Tribunal. The Tribunal found the 23 March 2016 decision to temporarily move the Applicant to the Training Unit to be receivable and found the decision to be unlawful because the decision had expired prior to the date it was implemented (5 July 2016) and extended until the end of June 2017. The Tribunal found that the Administration unlawfully implemented the decision on 5 July 2016 and granted the Applicant’s appeal against the 23 March 2016 decision in part, ordering the Respondent to pay the amount of USD2,250 to the Applicant as compensation for emotional distress caused by the unlawful implementation and extension of the 23 March 2016 decision.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Kataye

Entity

Other peacekeeping mission

Case Number(s)

UNDT/NY/2016/64

Tribunal

UNDT

Registry

New York

Date of Judgement

6 Sep 2017

Duty Judge

Judge Greceanu

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Jurisdiction / receivability (UNDT or first instance)

Reassignment or transfer

Applicable Law

Administrative Instructions

- ST/AI/2010/3
- ST/AI/2010/4/Rev.1
- ST/AI/2016/1

Staff Regulations

- Regulation 1.2

Staff Rules

- Rule 11.2
- Rule 11.4
- Rule 3.14
- Rule 6.2

UNDT RoP

- Article 34
- Article 35
- Article 7

UNDT Statute

- Article 2
- Article 3
- Article 8

Related Judgments and Orders

2017-UNAT-742