

UNDT/2018/134, Sakhardande

UNAT Held or UNDT Pronouncements

The Tribunal has no general jurisdiction to review or supervise internal union affairs and has no competence to substitute, review or enforce any of the Arbitration Committee decisions. The Applicant's claim regarding the provision of the names of eligible voters to polling officers as referred to in the 4 January 2017 email broadcast is not receivable under art. 2.1(a) of the Dispute Tribunal's Statute. The Appeals Tribunal has held that the key characteristics of an administrative decision subject to judicial review is that the decision must be "a unilateral decision taken by the administration in a precise individual case ... which produces direct legal consequences to the legal order". The Dispute Tribunal's review of the Applicant's status as a validly elected and serving polling officer and of his legal standing will of necessity require the review or enforcement of the Arbitration Committee's decisions on the term and authority of the Polling Officers of the 45th Staff Council during the relevant period. The Office of Legal Affairs provided legal advice on proposed amendments of the Staff Union Statute and Regulations but has no authority over the Statute and Regulations.

Decision Contested or Judgment/OrderAppealed

(1) The decision of the Department of Management to provide the names of eligible voters to Polling Officers declared by the Staff Union Arbitration Committee when the list of Pollling Officers was unlawfully convened according to a decision by a non-member of the Staff Union. (2) The decision of the Office of Legal Affairs to clear the "transitional measures" amending the Statute and Regulations of the Staff Union, which the Arbitration Committee deemed to be null and void, as they were introduced in violation of the Statute and Regulations of the Staff Union. (3) The decision of the Administration to thereby interfere in Staff Union affairs.

Legal Principle(s)

The Tribunal has no general jurisdiction to review or supervise internal union affairs.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Sakhardande

Entity

UNS

Case Number(s)

UNDT/NY/2017/006

Tribunal

UNDT

Registry

New York

Date of Judgement

18 Dec 2018

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/13
- ST/SGB/2015/1

Staff Regulations

UNDT Statute

- Article 8.1(b)

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2013/109

2014-UNAT-475

2014-UNAT-481