

UNDT/2019/152, Nigam

UNAT Held or UNDT Pronouncements

The Tribunal recalled that a request for management evaluation is a sine qua non for bringing an application except in cases where the advice was obtained from technical bodies, as determined by the Secretary-General, or of a decision taken at Headquarters in New York to impose a disciplinary or non-disciplinary measure. In the present case, there was no decision imposing disciplinary or administrative measures. The Applicant did not request management evaluation of any administrative decision related to the conduct of the investigation. The failure to seek management evaluation before approaching the Tribunal precluded entertaining the application. Accordingly, the application was dismissed as not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant contested UNDP's decision whereby he was informed of the closure of an investigation against him after a process that he described as discriminatory and an abuse of authority.

Legal Principle(s)

Pursuant to art. 8.1(c) of the UNDT Statute, an application is receivable if an Applicant has previously submitted the contested administrative decision for management evaluation, where required.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Nigam

Entity

UNDP

Case Number(s)

UNDT/NBI/2019/143

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

18 Oct 2019

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Investigation

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

UNDT Statute

- Article 8.1(c)