

2010-UNAT-011, Kasmani

UNAT Held or UNDT Pronouncements

UNAT considered the Secretary-General's appeal. UNAT noted that the exclusion of the right to appeal a decision on the suspension of action on an administrative is an exception to the general principle of law and must be narrowly interpreted. UNAT held that this exception can only be applied to jurisdictional decisions ordering the suspension of implementation of an administrative decision when a management evaluation is ongoing. UNAT accordingly held that UNAT exceeded its competence when it ordered the suspension of the present action until the judgment on the merits of the Appellant's application was rendered. UNAT consequently annulled UNDT's judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew his contract. UNDT ordered a suspension of action of this decision until a decision on the merits of the Applicant's application had been reached.

Legal Principle(s)

The exclusion of the right to appeal a decision on the suspension of action on an administrative decision constitutes an exception to the general principle of law of the right of appeal and should therefore be interpreted strictly. It thus follows that this exception can be applied only to jurisdictional decisions ordering the suspension of implementation of an administrative decision when a management evaluation is ongoing.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Kasmani

Entity

UNON

Case Number(s)

2009-015

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Mar 2010

President Judge

Judge Courtial

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Manifest excess of jurisdiction

Suspension of action / interim measures

Applicable Law

GA Resolutions

- A/RES/63/253

UNDT RoP

- Article 36

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2009/063