

2010-UNAT-032, Calvani

UNAT Held or UNDT Pronouncements

UNAT rejected the Secretary-General's interlocutory appeal against the UNDT order as not receivable, finding that UNDT had discretionary authority in case management and the production of evidence in the interest of justice. UNAT held that UNDT had decided on a measure of inquiry, the necessity of which it had sole authority to assess. UNAT held that it was not in the interest of the internal system of justice to consider an appeal against a simple measure of inquiry.

Decision Contested or Judgment/Order Appealed

The staff member filed an application for suspension of action of the decision to place him on administrative leave without pay. Following an oral hearing, UNDT ordered the Administration to submit a signed confirmation from the Secretary-General that he made the decision to place the staff member on administrative leave without pay pursuant to Staff Rule 10. 4.

Legal Principle(s)

UNDT has discretionary authority in case management and the production of evidence in the interest of justice. It is not in the interest of the internal system of justice to consider an appeal against a simple measure of inquiry receivable.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Calvani

Entity

UNICRI

Case Number(s)

2010-044

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

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Receivability

Jurisdiction / receivability (UNAT)

Interlocutory appeal

Procedure (first instance and UNAT)

Production of documents

Applicable Law

Staff Rules

- Rule 10.4

UNDT RoP

- Article 18.2
- Article 19

UNDT Statute

- Article 9.1