

2010-UNAT-047, Attandi

UNAT Held or UNDT Pronouncements

UNAT considered both appeals by Mr Attandi, against Order No. 02 (NBI/2010) and judgment No. UNDT/2010/038. UNAT held that Order No. 02 (NBI/2010) was a directive to the Appellant and not a judgment against which an appeal could be filed. UNAT held that an appeal against the Order was not receivable because it was not a final judgment rendered by UNDT. Regarding judgment No. UNDT/2010/038, UNAT held that although the appeal was certainly receivable as the Appellant's case was struck out, there was no merit in his contentions. UNAT held that the Appellant had failed to complete his appeal, demonstrating that the UNDT judgment had one or more of the five defects mentioned in Article 2. 1(a) to (e) of the UNAT Statute. UNAT held that the UNDT judgment did not suffer from any jurisdictional or legal defects based on any of the grounds urged by the Appellant. UNAT dismissed the appeals and affirmed the UNDT order and judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew his fixed-term appointment and sought suspension of action. When the matter came up before UNDT on 5 January 2010, after being transferred from the Joint Appeals Board (JAB), the Applicant was invited to complete his statement of appeal, but he failed to do so. UNDT issued Order No. 02 (NBI/2010) granting the Applicant time to complete his appeal by 15 February 2010, with the rider that failure would entail his case getting struck out. In judgment No. UNDT/2010/038 UNDT struck out the application and noted that the Applicant had not provided any reasonable explanation as to why he did not comply with the UNDT Order.

Legal Principle(s)

The Appellant must satisfy UNAT that the UNDT judgment has one or more of the five defects mentioned in Article 2. 1(a) to (e) of the UNAT Statute.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Attandi

Entity

UNON

Case Number(s)

2010-050

2010-085

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

President Judge

Judge Garewal

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Interlocutory appeal

Applicable Law

UNAT Statute

- Article 2.1(a)
- Article 2.1(e)
- Article 7.1

Related Judgments and Orders

UNDT/2010/038

2010-UNAT-062