

2010-UNAT-062, Bertucci

UNAT Held or UNDT Pronouncements

The Secretary-General filed appeals against UNDT Orders. UNAT determined that, generally, only appeals against final judgments are receivable. UNAT noted that an interlocutory appeal is receivable exceptionally in cases where UNDT has clearly exceeded its jurisdiction or competence. UNAT held that it would not interfere lightly with the broad discretion of UNDT in the management of cases. Further, UNAT noted that one of the goals of the new system of administration of justice is rendering timely judgments; cases before UNDT could seldom proceed if either party were able to appeal interlocutory decisions. UNAT held that in this case, it saw no reason to depart from the general rule that only appeals against final judgments are receivable. UNAT dismissed the Secretary-General's interlocutory appeals as not receivable.

Decision Contested or Judgment/Order Appealed

The staff member contested his non-selection for the post of ASG/DESA. Before and during the hearing of the case, UNDT issued a series of Orders (i. e. Order Nos. 40, 42, 43, 44 and 46 (NY/2010)).

Legal Principle(s)

UNAT generally has no jurisdiction to receive interlocutory appeals (i. e. appeals against rulings made during the course of trial before a final judgment is rendered). Interlocutory appeals are only receivable where UNDT has clearly exceeded its jurisdiction or competence.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Bertucci

Entity

DESA

Case Number(s)

2010-077

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Jurisdiction / receivability (UNAT)

Interlocutory appeal

Applicable Law

UNAT Statute

- Article 2.1
- Article 7

Related Judgments and Orders

UNDT/2010/080

UNDT/2010/094

UNDT/2010/117

2010-UNAT-005

2010-UNAT-032

2010-UNAT-008

2010-UNAT-011