

2011-UNAT-159, Igbiniedion

UNAT Held or UNDT Pronouncements

UNAT considered appeals by the Secretary-General of Order Nos. 30 (NBI/2011) and 33 (NBI/2011). Order No. 30 (NBI/2011) extended the suspension of action until 13 May 2011, beyond the date on which the management evaluation was completed. UNAT held that UNDT should have granted a suspension until 13 May 2011 or until the completion of management evaluation if the latter was earlier. UNAT held that UNDT exceeded its jurisdiction and committed an error of law. Order No. 33 (NBI/2011) extended the suspension until the final determination of the case, and therefore beyond the completion of management evaluation. UNAT held that both Orders violated Article 2(2) and Article 10(2) of the UNDT Statute. UNAT granted the appeals and vacated both Orders.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application for suspension of action of the decision not to renew his appointment. In Order No. 30 (NBI/2011), UNDT suspended the decision until 13 May 2011. In Order No. 33 (NBI/2011), UNDT ordered that the suspension remains in force until a determination on the merits.

Legal Principle(s)

The suspension of the execution or implementation of an administrative decision constitutes an exception that cannot be extended beyond the limits and prohibitions established by the UNDT Statute.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Igbinedion

Entity

UN-Habitat

Case Number(s)

2011-214

2011-219

Tribunal

UNAT

Registry

New York

Date of Judgement

8 Jul 2011

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Suspension of action

Suspension of action / interim measures

Applicable Law

UNDT RoP

UNDT Statute

- Article 10.2
- Article 10.5(a)
- Article 2.2
- Article 7.1

Related Judgments and Orders

2010-UNAT-008