

# **2012-UNAT-252, Khambatta**

## **UNAT Held or UNDT Pronouncements**

UNAT considered an appeal by the Secretary-General. UNAT held that appeals against decisions taken during proceedings are receivable only in exceptional circumstances where UNDT has manifestly exceeded its jurisdiction. UNAT held that even though UNDT may have committed a procedural error, it had not exceeded its jurisdiction. UNAT dismissed the appeal.

## **Decision Contested or Judgment/Order Appealed**

UNDT Judgment: The Applicant filed an application for suspension of action of the decision not to extend her temporary appointment. UNDT ordered suspension of the decision not to extend her contract pending the outcome of the management evaluation, since all the conditions listed in Article 2.2 of the Tribunal's Statute had been fulfilled.

## **Legal Principle(s)**

This tribunal has consistently held that as a general rule only appeals against judgments concerning matters of substance are receivable. Appeals against decisions taken during proceedings, however, denominated by the UNDT (order, judgment, etc.), are non-receivable save in those exceptional cases where the UNDT has clearly exceeded its competence.

## **Outcome**

Appeal dismissed on merits

## **Full judgment**

[Full judgment](#)

## Applicants/Appellants

Khambatta

## Entity

DPKO

## Case Number(s)

2012-319

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

29 Jun 2012

## President Judge

Judge Courcial

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNAT)

Interlocutory appeal

Suspension of action / interim measures

Receivability

## Applicable Law

UNDT Statute

- Article 10.2
- Article 2.2

## Related Judgments and Orders

UNDT/2012/058

2010-UNAT-005

2010-UNAT-008

2011-UNAT-159

2010-UNAT-011

2010-UNAT-062