

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 Courtial

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