

2012-UNAT-258, Kananura

UNAT Held or UNDT Pronouncements

UNAT held that it would not lightly interfere with the UNDT's exercise of its jurisdictional powers, conferred on UNDT by its Statute, which enables cases to be judged fairly and expeditiously. UNAT held that the complaints made by the Secretary-General fell squarely within the jurisdiction and competence of UNDT, notwithstanding the alleged breach of procedural fairness. UNAT held that the appeal was not receivable. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant filed a request for suspension of action of the decision that she would have to take a break in service. UNDT issued its judgment granting the suspension of action since the three conditions stipulated in Article 2. 2 UNDT Statute were met. The Secretary-General appealed.

Legal Principle(s)

In general, only appeals against judgments of the UNDT concerning matters of substance are receivable. Appeals against decisions taken during UNDT's proceedings are non-receivable save in circumstances where the UNDT has exceeded its jurisdiction or competence.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Kananura

Entity

OHRM

Case Number(s)

2011-274

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Nov 2012

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Receivability

Suspension of action

Jurisdiction / receivability (UNAT)

Interlocutory appeal

Applicable Law

UNAT Statute

- Article 2.1

UNDT RoP

- Article 13.2

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2011/176

2012-UNAT-252