

2013-UNAT-327, Tiwathia

UNAT Held or UNDT Pronouncements

UNAT noted that appeals from UNDT decisions on suspensions of action will only be receivable if UNDT, in adjudicating such applications, exceeded its competence or jurisdiction. UNAT held that the UNDT's legal and factual reasoning fell entirely within its competence and jurisdiction. UNAT held that, although the Appellant's claims addressed the merits of the UNDT judgment, they did not amount to claims that the UNDT exceeded its competence or jurisdiction. UNAT held that the appeal was not receivable. UNDT dismissed the appeal.

Decision Contested or Judgment/Order Appealed

The Applicant requested a suspension of action for a selection decision, after not having been selected for a post. UNDT rejected the application on the ground that the selection decision had already been implemented before a judgment on suspension of action could be rendered.

Legal Principle(s)

Appeals from UNDT decisions on suspensions of action will only be receivable if UNDT, in adjudicating such applications, exceeded its competence or jurisdiction.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Tiwathia

Entity

OHRM

Case Number(s)

2012-356

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2013

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Interlocutory appeal

Subject matter (ratione materiae)

Staff selection (non-selection/non-promotion)

Selection decision

Suspension of action / interim measures

Applicable Law

UNAT Statute

- Article 9.4

UNDT Statute

- Article 2
- Article 2.2

Related Judgments and Orders

UNDT/2012/109

2013-UNAT-300

2010-UNAT-005

2010-UNAT-008

2010-UNAT-011

2010-UNAT-062