

2013-UNAT-330, Nwuke

UNAT Held or UNDT Pronouncements

UNAT considered two appeals, one against Order No. 103 (NBI/2012) and one against judgment No. UNDT/2012/116. UNAT held that the Appellant had not established any excess of jurisdiction or competence on the part of UNDT; rather, his claims addressed the merits of the UNDT decision. UNAT noted that even if the UNDT had erred in law or fact and as also alleged in the case, committed an error of procedure, this did not instance any excess of jurisdiction or competence on its part such as would entitle the Appellant to bypass the exception to the right to appeal set out in Article 2(2) of the UNDT Statute. UNAT held that the appeals were not receivable. UNAT dismissed the appeals.

Decision Contested or Judgment/Order Appealed

UNDT order and judgment: In the context of a dispute over the appointment of another individual to a post for which he had applied, the Applicant submitted a request for a suspension of action. In Order No. 103 (NBI/2012), UNDT rejected the request. In judgment No. UNDT/2012/116, UNDT set out the reasons as to why the request for suspension of action had not been granted.

Legal Principle(s)

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

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Nwuke

Entity

ECA

Case Number(s)

2012-359

2012-362

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)

Subject matter (ratione materiae)
Suspension of action / interim measures
Receivability

Applicable Law

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2012/116
2013-UNAT-300
2010-UNAT-005
2010-UNAT-008
2010-UNAT-011
2013-UNAT-314