

2015-UNAT-507, Porter

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT recalled the importance of its jurisprudence on the receivability of appeals against interlocutory orders in that the excess of jurisdiction or competence must be clear or manifest. UNAT held that it was not satisfied that such a threshold had been met by the Secretary-General, given the circumstances of the case. UNAT held that adjudication of the matters complained of by the Secretary-General, notwithstanding that they touched upon the competence of UNDT, was more proper for consideration once a final judgment has been rendered by UNDT, if the Secretary-General chose to appeal, as the matters in issue were interconnected with the merits of the case. UNAT held that the Secretary-General's appeal was not receivable and dismissed it.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to keep him on medical leave for more than two years after his doctors had recommended that he was fit to return to work; the inaction and/or refusal to take him back into service for over two years; and the failure by the Administration to reimburse financial claims that accrued to him as a result of the forced medical leave. Limiting itself to the question of receivability, UNDT found the application was receivable in substance and time.

Legal Principle(s)

In general, only final judgments of UNDT are appealable. An interlocutory appeal is receivable where UNDT has clearly exceeded its jurisdiction or competence.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Porter

Entity

UNAMI

Case Number(s)

2014-577

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Feb 2015

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Interlocutory appeal

Applicable Law

UNAT Statute

- Article 2
- Article 7

Related Judgments and Orders

UNDT/2013/156

2010-UNAT-005

2010-UNAT-062

2010-UNAT-060

2013-UNAT-300

2013-UNAT-324

2012-UNAT-244

2012-UNAT-243

2012-UNAT-230