

2015-UNAT-604, Ocokoru

UNAT Held or UNDT Pronouncements

The issue for determination by UNAT was whether the relevant date for the filing of the Secretary-General's appeal ran from the date on which the ALS received the UNDT judgment in its capacity as counsel of record for the Secretary-General before UNDT or the date on which the judgment was received by the OLA, the Secretary-General's counsel of record before UNAT. UNAT held that in the absence of any published UNDT rule or practice direction which decreed that transmission of UNDT judgments be made to OLA, it was not permissible for the Secretary-General to seek to rely on the date when the judgment was received by OLA. UNAT consequently dismissed the appeal as time-barred and not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to abolish her post with the UN Mission in South Sudan (UNMISS). UNDT ordered the rescission of the administrative decision to separate her from service and her reinstatement, or in-lieu compensation. UNDT also awarded compensation for the procedural and substantive irregularities.

Legal Principle(s)

The relevant date for the filing of the Secretary-General's appeal of a UNDT judgment runs from the date the judgment was received by the Secretary-General, no matter whether the judgment was received by ALS (as counsel for the Secretary-General before UNDT) or OLA (as counsel for the Secretary-General before UNAT).

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Ocokoru

Entity

UNMIS

Case Number(s)

2015-703

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Temporal (ratione temporis)

Applicable Law

UNAT RoP

- Article 7.1
- Article 7.2

UNAT Statute

- Article 7.1
- Article 7.3

Related Judgments and Orders

UNDT/2015/004

2013-UNAT-308

2010-UNAT-043

2010-UNAT-069