

# 2016-UNAT-641, Chemingui

## UNAT Held or UNDT Pronouncements

UNAT considered an interlocutory appeal by the Secretary-General. UNAT held that UNDT did not “clearly exceed its competence or jurisdiction” when it temporarily suspended the administrative decision to laterally reassign the staff member as that decision did not constitute a case of “appointment, promotion, or termination” excluded from interim relief under Article 10. 2 of the UNDT Statute. Accordingly, UNAT dismissed the interlocutory appeal as not receivable.

## Decision Contested or Judgment/Order Appealed

The staff member contested the decision to laterally reassign him and requested a suspension of action. UNDT issued an order granting the staff member’s request for suspension of action pending resolution of the matter.

## Legal Principle(s)

A lateral reassignment decision does not constitute a case of appointment, promotion, or termination. Therefore, it is subject to interim relief under Article 10. 2 of the UNDT Statute.

## Outcome

Appeal dismissed on receivability

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Chemingui

## Entity

ESCWA

## Case Number(s)

2015-850

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

24 Mar 2016

## President Judge

Judge Chapman

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Interim measure

Suspension of action

Jurisdiction / receivability (UNAT)

Interlocutory appeal

Reassignment or transfer

## Applicable Law

### UNAT Statute

- Article 2.1

### UNDT Statute

- Article 10.2

## Related Judgments and Orders

2010-UNAT-002

2015-UNAT-528

2011-UNAT-151

2016-UNAT-609

2010-UNAT-060

2010-UNAT-005

2010-UNAT-008

2010-UNAT-011

2010-UNAT-062