

2016-UNAT-708, Finniss

UNAT Held or UNDT Pronouncements

UNAT held that the impugned Order ceased to have any legal effect when the management evaluation decision was issued. UNAT held that the issuance of the management evaluation had rendered the Order under appeal moot. UNAT dismissed the appeal in its entirety.

Decision Contested or Judgment/Order Appealed

The Applicant filed a request for suspension of action of the Secretary-General's decision to select an alternative internal candidate for the position, for which the Applicant had applied. UNDT issued an Order suspending the selection decision pending management evaluation pursuant to Article 2.2 of the UNDT Statute. The Secretary-General appealed. The Secretary-General later filed a "Motion for Consideration" requesting UNAT to determine whether the matter fell within the exception of the mootness doctrine.

Legal Principle(s)

In the UN system of administration of justice, UNAT was established to pass judgment on existing disputes, but not to give interpretations of the law where there are no disputes before it.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Finniss

Entity

OIOS

Case Number(s)

2016-943

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Oct 2016

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Suspension of action / interim measures

Mootness

Applicable Law

UNAT Statute

- [Article 2](#)
- [Article 7](#)

Related Judgments and Orders

[2012-UNAT-223](#)

[2012-UNAT-208](#)

[2014-UNAT-466](#)