

2017-UNAT-763, Crotty

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that the decision to terminate Mr. Crotty due to abolition of post was never implemented because he obtained another position with the Organisation and that this rendered moot the Administration's decision to terminate him. UNAT held that the administrative decision was no longer a live issue and UNDT was not competent to pass judgment on the application. UNAT held that UNDT made an error of law when it found Mr. Crotty's application receivable. UNAT held that in light of UNDT's error in receiving the application, the UNDT's findings on the merits of the staff member's claims and the award of damages to the staff member were ultra vires and could not stand. UNAT granted the Secretary-General's appeal and vacated the UNDT judgment.

Decision Contested or Judgment/Order Appealed

Mr. Crotty contested the decision to abolish his post and terminate his permanent appointment. UNDT found that the application was receivable and that the Organisation committed material irregularities and failed to act fully in compliance with the legal framework by subjecting Mr. Crotty to the requirement of competing for available posts against others, non-permanent staff members. UNDT awarded Mr. Crotty compensation for emotional distress.

Legal Principle(s)

Applying the doctrine of mootness is consistent with the purpose behind the establishment of the two-tier system of administration of justice, which was to adjudicate existing disputes, not to interpret the law when there is no live dispute before it.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Crotty

Entity

DGACM

Case Number(s)

2016-1041

Tribunal

UNAT

Registry

New York

Date of Judgement

14 Jul 2017

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Applicable Law

UNDT Statute

- Article 8.1(a)

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2016/190