

# 2021-UNAT-1078, Abdalla Mohammed Abdalla

## UNAT Held or UNDT Pronouncements

Noting that an appeal against an interlocutory order would only be receivable in instances when it is clear and manifest that UNDT exceeded its jurisdiction or competence, UNAT actually rejected the Secretary-General's appeal on the basis that it was moot. UNAT noted that UNDT had since disposed of the underlying case by Order No. 169; (NBI/2020) because the former staff never filed an application with the tribunal, even after being granted an extension.

## Decision Contested or Judgment/Order Appealed

One day after the deadline to file an application, a former staff member filed a motion with UNDT seeking an extension of time, citing COVID-19 disruptions as his reason for his failure to submit a timely application. By Order No. 103 (NBI/2020), UNDT granted the extension so the staff member can file an application challenging his dismissal for misconduct. The Secretary-General appealed the interlocutory order arguing that UNDT exceeded its jurisdiction by granting the motion, even though it was filed after the application deadline.

## Legal Principle(s)

In the event a case has been disposed by the UNDT as a result of the failure of a staff member to file an application, after being granted an extension of time to do so, an appeal by the Secretary-General against the related interlocutory order granting such extension will be found moot and not receivable. Also, an appeal against an interlocutory order is receivable only in limited instances when it is clear and manifest that the UNDT has exceeded its jurisdiction or competence.

## Outcome

Appeal dismissed on receivability

Outcome Extra Text

UNAT dismissed the Secretary-General's appeal as moot.

Full judgment

[Full judgment](#)

Applicants/Appellants

Abdalla Mohammed Abdalla

Entity

UNHCR

Case Number(s)

2020-1405

Tribunal

UNAT

Registry

New York

Date of Judgement

19 Mar 2021

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Interlocutory appeal

Applicable Law

UNAT Statute

- Article 2.1

UNDT Statute

- Article 8.3
- Article 8.4

Related Judgments and Orders

2016-UNAT-641

2010-UNAT-060

2010-UNAT-005

2010-UNAT-008

2010-UNAT-011

2010-UNAT-062

2011-UNAT-160

2019-UNAT-975

2016-UNAT-655

2019-UNAT-943

2020-UNAT-1058