

UNDT/2023/075, Naidoo

UNAT Held or UNDT Pronouncements

The documents on file, and in particular the notice of dismissal, show that the Applicant was employed by a private company. Other than the Applicant's unsupported statement in his personal details form when filing his submissions that his Office of employment was "ITC", there is no evidence on record showing that he has any contractual relationship with the United Nations within the meaning of art. 3 of the Tribunal's Statute. As such, the Applicant has no *locus standi* before this Tribunal.

Moreover, while the Applicant is contesting a disciplinary measure, it was imposed neither by the Secretary-General of the United Nations under art. 2.1 of the Tribunal's Statute, nor by a specialized agency within the meaning of art. 2.5 of Tribunal's Statute. Instead, the evidence on record shows that the disciplinary measure at issue was imposed on the Applicant by a private entity.

Accordingly, the Tribunal is not competent to examine the present application.

Decision Contested or Judgment/Order Appealed

Through filings made before this Tribunal, the Applicant seems to contest his summary dismissal for misconduct following a disciplinary hearing.

Legal Principle(s)

The Tribunal has the competence to review an application's receivability even if the parties do not raise the issue because "it constitutes a matter of law and the Statute prevents the [Tribunal] from receiving a case which is actually non-receivable" (see *Christensen* 2013-UNAT-335, para. 21).

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Naidoo

Entity

ITC

Case Number(s)

UNDT/GVA/2023/026

Tribunal

UNDT

Registry

Geneva

Date of Judgement

21 Jul 2023

Duty Judge

Judge Sun

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Sexual exploitation and abuse

Disciplinary matters / misconduct

Applicable Law

UNDT RoP

- Article 8.4
- Article 9

UNDT Statute

- Article 2
- Article 3

Related Judgments and Orders

UNDT/2015/074

UNDT/2012/036

UNDT/2013/007

UNDT/2013/033

UNDT/2018/001

UNDT/2019/158

UNDT/2020/074

UNDT/2021/083

UNDT/2021/089

2013-UNAT-335