

2023-UNAT-1351, Imran Ahmad Shah

UNAT Held or UNDT Pronouncements

The main issue presented in this appeal was whether the UNDT was correct to dismiss Mr. Shah's application as not receivable *ratione materiae* because he was not challenging a final administrative decision. The UNAT held that the UNDT correctly found that an interoffice memorandum that changed the reporting lines for all of the staff who worked on the India side of the United Nations Mission Military Observer Group in India and Pakistan (UNMOGIP) was not an appealable administrative decision because it did not deprive Mr. Shah of his work or affect his functions.

The UNAT also rejected Mr. Shah's argument that the change in his First Reporting Officer directly affected him because his role within the Field Technology Section of UNMOGIP was being reduced. The UNAT found that the change in his role was the subject of a different administrative decision on reorganization and thus did not call the UNDT judgment into doubt.

Finally, the UNAT held that the UNDT did not have the authority to review Mr. Shah's allegations of retaliation and harassment when Mr. Shah had not followed the proper procedures for pursuing these allegations.

The appeal was dismissed and the UNDT judgment affirmed.

Decision Contested or Judgment/Order Appealed

In Judgment No. UNDT/GVA/2022/044, the UNDT decided that Mr. Shah's application contesting the change in his reporting line was not receivable *ratione materiae* because this was not a final administrative decision that affected the terms of his appointment.

Mr. Shah appealed.

Legal Principle(s)

The key characteristic of an administrative decision subject to judicial review is that the decision must produce direct legal consequences affecting a staff member's terms and conditions of appointment; the administrative decision must have a direct impact on the terms of appointment or contract of employment of the individual staff member.

Administrative decisions might be of general application, seeking to promote the efficient implementation of administrative objectives, policies and goals. In such cases, although the implementation of the decision might impose some requirements in order for a staff member to exercise his or her rights, the decision does not necessarily affect his or her terms of appointment or contract of employment.

A staff member has no right to a particular supervisor or reporting lines.

The Administration has broad discretion to reorganize its operations and departments to meet changing needs and realities.

The Dispute Tribunal does not have authority to review allegations of retaliation and harassment absent a decision of the Administration pursuant to the relevant procedures for addressing such claims.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Imran Ahmad Shah

Entity

UNMOGIP

Case Number(s)

2022-1711

Tribunal

UNAT

Registry

New York

Date of Judgement

7 Jul 2023

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNAT Statute

- Article 2.1(a)

UNDT Statute

- Article 8.1(a)

UNDT RoP

- Article 9
- Article 19

Related Judgments and Orders

2017-UNAT-759

2010-UNAT-058

2015-UNAT-565

2012-UNAT-266

2019-UNAT-970

UNDT/2022/044