

UNDT/2023/065, Bagga

UNAT Held or UNDT Pronouncements

In the present case, the Applicant has not identified a reviewable administrative decision and there is no indication that he filed a request for management evaluation before submitting the application.

Decision Contested or Judgment/Order Appealed

The Applicant contested the “[United Nations] Management decision to cut [his employment] short by 4 months, prior to [his] mandatory retirement age, after nearly 30 years of service in the [United Nations]”.

Legal Principle(s)

Management evaluation is a mandatory first step unless the case concerns a decision (a) taken by a technical body, as determined by the Secretary-General under ST/AI/2018/7 (Technical bodies), or (b) following the completion of a disciplinary process. Otherwise, the application to the Dispute Tribunal is not receivable (in line herewith, see the consistent jurisprudence of the Appeals Tribunal in, for instance, *Chriclow* 2010-UNAT-035).

Outcome

Dismissed as not receivable

Outcome Extra Text

Pursuant to rule 9 of its Rules of Procedure, the Tribunal has determined, on its own initiative, that summary judgment is appropriate in this case. As the Tribunal does

not have the necessary subject-matter jurisdiction under staff rule 11.2, the challenge against the contested decision is not receivable *ratione materiae*.

Full judgment

[Full judgment](#)

Applicants/Appellants

Bagga

Entity

DPA

Case Number(s)

UNDT/NY/2023/016

Tribunal

UNDT

Registry

New York

Date of Judgement

27 Jun 2023

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disability

United Nations Joint Staff Pension Fund (UNJSPF)

Applicable Law

Administrative Instructions