

UNDT/2023/128, AAQ

UNAT Held or UNDT Pronouncements

The Tribunal noted that there was no submission on record indicating that the contested decision imposed adverse consequences on the Applicant. The Tribunal, thus, found that it was not established how the contested decision adversely affected the Applicant's employment. Accordingly, the Tribunal held that the jurisdictional constraints did not allow it to hear and decide the application in the absence of a particular facts-based case. Therefore, the application was dismissed as not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant contested the Administration's decision to deny to record a change of gender in the Organization's records.

Legal Principle(s)

Article 2(1)(a) of the UNDT Statute provides that the Dispute Tribunal shall be competent to hear and pass judgment on an application filed by an individual to appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment. The terms "contract" and "terms of appointment" include all pertinent regulations and rules and all relevant administrative issuances in force at the time of alleged non-compliance. Settled jurisprudence also requires that such a decision must have both a direct and adverse effect on the employment of an applicant. Such an effect must be an actual past, as opposed to a potential future, effect.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

AAQ

Entity

UNSOS

Case Number(s)

UNDT/NBI/2023/052

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

20 Nov 2023

Duty Judge

Judge Wallace

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Reasons

Administrative decision

Applicable Law

UNDT Statute

Related Judgments and Orders

2014-UNAT-481