

# 2024-UNAT-1420, Daljeet Singh Bagga

## UNAT Held or UNDT Pronouncements

The UNAT noted the staff member had not requested a review of the decision by the United Nations Staff Pension Committee or filed an appeal to the Standing Committee, but rather had filed a request for management evaluation and then had applied to the UNDT. The UNAT found that, as such, he had not followed proper procedure. The UNAT held that there was no authority for receiving an application by the Dispute Tribunal with regards to a pension decision. The UNAT concluded that the UNDT had not erred when it held that it did not have jurisdiction to undertake a judicial review of the contested decision and that the application had not been receivable.

The UNAT further stated as the decision had not been subject to internal review or appeal to the Standing Committee, it could not consider the staff member's underlying claims.

The UNAT observed, however, that the staff member could have misinterpreted a statement in the impugned UNDT Judgment that he should have filed with the Appeals Tribunal directly, rather than following the internal review process of the Pension Committee and then turning to the Appeals Tribunal. The UNDT suggested that the Pension Committee, on his request, consider whether there was good cause to accept his request for review beyond the deadline or, if the Pension Committee had already taken a decision upon review, that he consider initiating an appeal of the Pension Committee's decision to the Standing Committee to allow the Standing Committee to consider whether there was good cause to accept the appeal beyond the deadline.

The UNAT dismissed the appeal.

## Decision Contested or Judgment/Order Appealed

A staff member contested the decision of the United Nations Staff Pension Committee that had determined that he was incapacitated for further service and was entitled to a disability benefit.

In Judgment No. UNDT/2023/057, the UNDT determined that the application was not receivable as the UNDT had no jurisdiction to undertake a judicial review of a decision of the Pension Committee.

The staff member appealed.

## Legal Principle(s)

As the Secretary-General does not have authority over the management of the Pension Fund, the procedures involving management evaluation by the Administration and adjudication of the application before the UNDT do not apply to decisions of the Pension Fund or the Board.

Generally, the first step to challenging a decision of the Pension Fund is to request a review of the decision by the United Nations Staff Pension Committee. This review is similar to management evaluation and the request is a mandatory first step in the appeal process.

The Standing Committee plays a role similar to that of the UNDT, as first instance to the case.

The Appeals Tribunal is not ordinarily allowed to intervene in matters that have not previously been subject to internal reassessment by the Pension Fund. Its jurisdiction over individual staff pension matters is restricted to

reviewing the decisions of the Standing Committee.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Daljeet Singh Bagga

Entity

UN Secretariat

Case Number(s)

2023-1819

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Apr 2024

President Judge

Judge Sandhu

Judge Ziadé

Judge Colgan

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

UNJSPB

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

United Nations Joint Staff Pension Fund (UNJSPF)

Disability

UNSPC (UN Staff Pension Committee)

Applicable Law

UNAT Statute

- Article 2.9

## UNJSPF Regulations

- Section K.5
- Section K.8(a)
- Section K.8(b)

## Related Judgments and Orders

UNDT/2023/057

2015-UNAT-517

2020-UNAT-1010