

2025-UNAT-1522, Sanjaya Bahel

UNAT Held or UNDT Pronouncements

The UNAT held that the UNDT erred in suggesting that it was the former staff member's burden to provide evidence to support his assertion that his request for review had been pending before the Dispute Tribunal since July 2009 and to produce a record of his case having been transferred to it from the JDC in July 2009.

The UNAT further held that the Administration's response, that his claim was closed due to his failure to pursue it for over 12 years, was neither an administrative decision, nor was it the Administration's prerogative to make regarding the judicial proceeding. The Administration's opinion that the matter was closed was not a decision of the UNDT and did not have the effect of closing the matter before the UNDT.

The UNAT held that although the staff member failed to pursue his claim for over 12 years, it could not be rejected on the basis that it was not receivable when he filed it with the JCD timeously, in the manner required, it had already been referred to the JDC and was required to have been transferred to the UNDT. Any shortcomings in the transfer of cases from the JDC to the UNDT was not attributable to the former staff member. He therefore should not be denied access to justice.

The UNAT found that the UNDT erred in finding the staff member's application not receivable and reversed the UNDT Judgment.

Decision Contested or Judgment/Order Appealed

The former staff member filed an application in which he sought adjudication of the request for review that he filed in 2007 which was transferred from the Joint Disciplinary Committee (JDC) to the Dispute Tribunal following the closure of the JDC and the establishment of the Dispute Tribunal in July 2009.

In Judgment No. UNDT/2024/013, the Dispute Tribunal dismissed the application as not receivable.

The former staff member appealed.

Legal Principle(s)

An application cannot be received by the UNDT if it is filed more than three years after the staff member's receipt of the contested administrative decision.

Determinations about the status of a judicial proceeding are for the relevant judicial body to make, not the Administration.

Outcome

Appeal granted

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Sanjaya Bahel

Entity

UN Secretariat

Case Number(s)

2024-1916

Tribunal

UNAT

Registry

New York

Date of Judgement

23 Apr 2025

President Judge

Gao

Judge Colgan

Judge Savage

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Definition

Dismissal/separation

Access to justice

Oral hearings

Investigation

Administrative decision

Disciplinary matters / misconduct

Due process

Procedure (first instance and UNAT)

Applicable Law

GA Resolutions

- A/RES/63/253

UNDT RoP

- Article 18.1
- Article 7.6
- Article 8.4

UNDT Statute

- Article 8
- Article 2.7

Related Judgments and Orders

UNDT/2024/013

2024-UNAT-1408