

2025-UNAT-1579, Marwan Dalal

UNAT Held or UNDT Pronouncements

The UNAT held that the UNDT correctly determined that the non-selection decision was superseded and rendered moot by the Administration's subsequent rescission of the decision, which ended the selection process without anyone being selected for the position. It concluded that, from that moment, the non-selection decision ceased to have any legal effect and was no longer a live issue on which the UNDT had jurisdiction to pass judgment on.

The UNAT further affirmed that it was entirely within the Administration's authority to rescind the non-selection decision given the procedural irregularities identified during the management evaluation.

As the application was not receivable due to mootness, the UNAT held that a determination on the merits was unwarranted, as the controversy had already been resolved. It further found that there was no evidence that the former staff member continued to suffer any injury for which relief could be granted.

The UNAT dismissed the appeal and affirmed Judgment No. UNDT/2024/044.

Decision Contested or Judgment/Order Appealed

A former staff member of the Office of the United Nations High Commissioner for Refugees (UNHCR) contested the decision not to select him for the position of Protection Associate at the G-6 level in Tel Aviv, Israel.

In its Judgment No. UNDT/2024/044, the UNDT dismissed the staff member's application as not receivable, determining that the rescission of the non-selection decision rendered the former staff member's application moot.

Former staff member appealed.

Legal Principle(s)

A judicial decision will be moot if any remedy issued would have no concrete effect because it would be purely academic or because events subsequent have deprived the proposed resolution of the dispute of practical significance. The mootness doctrine is a logical corollary to the court's refusal to entertain suits for advisory or speculative opinions. A person should not be able to continue a case when the controversy is resolved during its pendency.

An application will be moot where the impugned administrative decision has not taken effect because it has been rescinded or superseded by subsequent actions of the Administration. In such cases, the UNDT will lack subject-matter jurisdiction to examine the merits of the case. If the decision was rescinded before the application to the UNDT was submitted, it must be found not receivable due to mootness. However, if the rescission occurred after the submission of the case or during the proceedings, the application would be receivable but may be dismissed as moot unless the applicant can prove that he or she continues to sustain an injury for which the UNDT can award relief.

The Administration's response to a request for management evaluation is an opportunity to resolve a staff member's grievance without litigation – not a fresh decision. It gives the Administration a chance to correct itself or provide acceptable remedies in cases where there has been flawed decision-making, and to reduce the number of cases that need to proceed to formal litigation.

The contested decision which may be reviewed by the UNDT is not the management evaluation decision, but the administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment of the staff member.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Marwan Dalal

Entity

UNHCR

Case Number(s)

2024-1946

Tribunal

UNAT

Registry

New York

Date of Judgement

3 Sep 2025

President Judge

Forbang

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Subject matter (*ratione materiae*)

Oral hearings

Jurisdiction / receivability (UNDT or first instance)

Procedure (first instance and UNAT)

Applicable Law

Staff Rules

- Rule 11.4(a)

UNAT Statute

- Article 8.3

UNDT Statute

- Article 2.1(a)
- Article 8.1(a)

Related Judgments and Orders

UNDT/2024/044

2017-UNAT-742

2022-UNAT-1201

2017-UNAT-763

2017-UNAT-766

2015-UNAT-584

2021-UNAT-1104

2016-UNAT-661

2023-UNAT-1383

2016-UNAT-709

2019-UNAT-968

2018-UNAT-875

2013-UNAT-311

2016-UNAT-695