UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/NY/2023/014
Judgment No.:	UNDT/2023/057
Date:	20 June 2023
Original:	English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

BAGGA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

SUMMARY JUDGMENT

ON RECEIVABILITY

Counsel for Applicant:
Self-represented

Counsel for Respondent:
ALD/OHR, UN Secretariat

Introduction

1.   On 11 June 2023, the Applicant, a staff member with the United Nations Secretariat in New York, filed an application contesting the decision of the United Nations Staff Pension Committee ("UNSPC") by which he was "award[ed] … [d]isability 4 months prior to [his] mandatory age of retirement at 65 [years] on 31 August 2023" under art. 33 of the Regulations of the United Nations Joint Staff Pension Fund.

Considerations

2.   Pursuant to arts. 2.1 and 2.5 of the Statute of the Dispute Tribunal, the Tribunal is only competent to hear and pass judgment on applications against (a) the Secretary-General as the Chief Administrative Officer of the United Nations, or (b) another agency, organization or entity, which has concluded a special agreement with the Secretary-General of the United Nations to accept the terms of the jurisdiction of the Dispute Tribunal, consonant with the Statute.

3.   The United Nations Secretary-General is not the Chief Administrative Officer of UNSPC, and UNSPC has not concluded a special agreement with the Secretary-General accepting the Dispute Tribunal's jurisdiction. Instead, decisions of UNSPC fall under the jurisdiction of the United Nations Appeals Tribunal under art. 2.9 of its Statute.

4.   Accordingly, the Tribunal has no jurisdiction to undertake a judicial review of the contested decision. Further, under rule 9 of its Rules of Procedure, the Tribunal has determined, on its own initiative, that summary judgment is appropriate in this case.

Conclusion

5.   The application is not receivable.

(Signed)

Judge Joelle Adda

Dated this 20th day of June 2023

Entered in the Register on this 20th day of June 2023

(Signed)

Isaac Endeley, Registrar, New York