



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2017-1052

Ntuk

(Applicant)

v.

United Nations Joint Staff Pension Board

(Respondent)

ORDER No. 279 (2017)

1. On 28 November 2016, Mr. Udo Tommy Ntuk, a former staff member of the United Nations Industrial Development Organization (UNIDO) filed an application with the United Nations Dispute Tribunal (UNDT) in Nairobi contesting the decision not to conduct an investigation in relation to the alleged alteration of the United Nations Joint Staff Pension Fund (UNJSPF or Pension Fund) instructions for payment of benefits that Mr. Ntuk submitted upon his retirement (Impugned Decision).

2. By Judgment on Receivability No. UNDT/2016/215 dated 6 December 2016, the UNDT rejected Mr. Ntuk's application finding that he had no *locus standi* before the UNDT and that "his case should properly be filed either with the [Administrative Tribunal of the International Labour Organization] or with the UNAT Registry".¹

3. On 5 January 2017, Mr. Ntuk filed a motion for a waiver of time to file his appeal together with his appeal against the Impugned Decision before the United Nations Appeals Tribunal (Appeals Tribunal). On 25 January 2017, the Appeals Tribunal issued Order No. 277 (2017), granting Mr. Ntuk's motion and accepting the appeal brief as filed on 5 January 2017.

4. On 31 January 2017, the Pension Fund filed a motion asking that the Appeals Tribunal remand the case to the Standing Committee of the United Nations Joint Staff Pension Board (Standing Committee) on the ground that absent a decision by the

¹ *Ntuk v. Secretary-General of the United Nations*, Judgment No. UNDT/2016/215, para. 14.

Standing Committee, the Appeals Tribunal is not competent to pass judgment on the case. On 6 February 2017, Mr. Ntuk filed his response to the motion, advising that he has no objection to a remand.

5. The Appeals Tribunal agrees with the Fund's submission that the correct course of action is to remand the case to the Standing Committee.²

IT IS HEREBY ORDERED that the Fund's Motion is GRANTED and Mr. Ntuk's appeal is REMANDED to the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board.

Original and Authoritative Version: English

Dated this 8th day of February 2017 in Port of Spain,
Trinidad and Tobago.

(Signed)
Judge Deborah Thomas-Felix,
President

Entered in the Register on this 8th day of
February 2017 in New York, United States.

(Signed)
Weicheng Lin, Registrar

² Cf. *Zakharov v. United Nations Joint Staff Pension Board*, Judgment No. 2015-UNAT-607, para. 19.