



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/089

Judgment No.: UNDT/2021/121

Date: 20 October 2021

Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

CHAWLA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a staff member of the United Nations Support Office in Somalia (“UNSOS”). He filed an application on 18 October 2021 to contest the decision by the Management Evaluation Unit (“MEU”) to “close [his] file considering it moot without any reference or consideration of the remedy sought by [him] in his application to MEU”.

Considerations

2. The Tribunal finds that this application is not receivable for the reason outlined below.

3. The Applicant is very clear at section V of his application (details of the contested decision) that he is contesting a decision by the MEU. He lists the date of the contested decision as 8 September 2021, which corresponds to the date on the response from MEU and he lists the Chief of MEU as the official who made the contested decision. He asserts at section VII that the MEU erroneously concluded that his application was moot without giving any consideration to the remedy sought in his management evaluation request (“MER”).

4. It is settled law that when the MEU issues a “decision” in response to a grievance or complaint, the MEU’s “decision” is not an administrative decision subject to judicial review by the Dispute Tribunal. Rather, the judicially reviewable administrative decision is the underlying decision “that is alleged to be in non-compliance with the terms of appointment or the contract of employment of the staff member.”¹

JUDGMENT

5. The application is dismissed.

¹ See *Kalashnik* 2016- UNAT-661; *Auda* 2017-UNAT-740; and *Hammond* 2021-UNAT-1142, para. 56.

(Signed)
Judge Agnieszka Klonowiecka-Milart

Dated this 20th day of October 2021

Entered in the Register on this 20th day of October 2021

(Signed)
Abena Kwakye-Berko, Registrar, Nairobi