



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/016

Judgment No.: UNDT/2023/065

Date: 27 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 22 June 2023, the Applicant, a staff member with the United Nations Secretariat in New York, filed an application contesting the “[United Nations] Management decision to cut [his employment] short by 4 months, prior to [his] mandatory retirement age, after nearly 30 years of service in the [United Nations]”. The Applicant submits that the contested decision was made by “Medical Services Division-[United Nations]Management” and that he was notified of the decision on 24 April 2023. There was no contested decision attached to the application.

2. By email on 23 June 2023 and on 26 June 2023, the Tribunal requested the Applicant to provide a copy of the contested administrative decision indicating the date of the decision and the name of the decision-maker. The Applicant was also notified that in accordance with staff rule 11.2, he should have submitted the contested decision for management evaluation prior to filing an application before the Tribunal.

3. On 27 June 2023, without any comment or explanation, the Applicant filed a copy of a letter dated 24 April 2023 from the United Nations Staff Pension Committee (“UNSPC”) informing him that it has been determined that he is incapacitated for further service and consequently entitled to a disability benefit under article 33 of the Regulations of the United Nations Joint Staff Pension Fund.

Considerations

4. The Tribunal recalls that earlier in the same month, the Applicant, who is self-represented, had filed a separate application contesting the same UNSPC decision. In its Summary Judgment in that case, dated 20 June 2023, the Tribunal had dismissed the application and pointed out that decisions of the UNSPC fall under the jurisdiction of the United Nations Appeals Tribunal pursuant to art. 2.9 of its Statute (see *Bagga* UNDT-2023-057).

5. The Tribunal notes that although in the present case the Applicant initially claimed to be contesting a “[United Nations] Management” decision, he has not been able to identify any such decision and when encouraged to do so, he simply produced a copy of the same UNSPC decision submitted in the earlier case.

6. The Tribunal further notes that in the present application, the Applicant claims to have received a management evaluation response on 20 June 2023. However, no such response is attached to the application and the Applicant provides no evidence that the contested decision was submitted for management evaluation as required under staff rule 11.2. This is a mandatory first step unless the case concerns a decision (a) taken by a technical body, as determined by the Secretary-General under ST/AI/2018/7 (Technical bodies), or (b) following the completion of a disciplinary process. Otherwise, the application to the Dispute Tribunal is not receivable (in line herewith, see the consistent jurisprudence of the Appeals Tribunal in, for instance, *Chriclow* 2010-UNAT-035).

7. In the present case, the Applicant has not identified a reviewable administrative decision and there is no indication that he filed a request for management evaluation before submitting the application. Rather, the Applicant appears to consider the Tribunal’s 20 June 2023 rejection of his earlier application in *Bagga* UNDT-2023-057 (in Case No. UNDT/NY/2023/014) as a management evaluation response.

8. Pursuant to rule 9 of its Rules of Procedure, the Tribunal has determined, on its own initiative, that summary judgment is appropriate in this case. As the Tribunal does not have the necessary subject-matter jurisdiction under staff rule 11.2, the challenge against the contested decision is not receivable *ratione materiae*.

Conclusion

9. The application is not receivable.

(Signed)

Judge Joelle Adda

Dated this 27th day of June 2023

Entered in the Register on this 27th day of June 2023

(Signed)

Isaac Endeley, Registrar, New York