

UNDT/2023/070, Applicant

UNAT Held or UNDT Pronouncements

Receivability

The Respondent challenged the receivability of the application. He argued that the Dispute Tribunal may only issue an Order for execution under art. 12.4 of its Statute where a judgment required a time limit for execution and such execution had not been carried out.

The Tribunal considered that while Judgment Applicant UNDT/2022/055 did not provide for its execution within a certain period of time, it was reasonable to infer that in the absence of an appeal, said judgment should have been executed within a reasonable time, after the expiry of the 60-day time limit to file an appeal.

The Tribunal noted that four months had elapsed from the day the judgment became executable to the day the Respondent filed his reply. The Tribunal considered that four months was a reasonable time to allow for the execution of the judgment in question and found the application receivable.

The application for execution

In Case No. UNDT/NY/2021/038, which was decided by Judgment Applicant UNDT/2022/055, the Applicant contested the 6 April 2021 decision of the acting United Nations Medical Director to deny his “request to establish a medical board”.

In said Judgment, the Tribunal decided, inter alia, to rescind the contested decision and to remand the case to the Division of Healthcare Management and Occupational Safety and Health (“DHMOSH”) for a new consideration in light of the Tribunal’s findings therein.

The evidence showed that by email dated 20 February 2023, the Director of DHMOSH provided the Applicant with the proposed Terms of Reference for the medical board for his review and comments. The Director of DHMOSH also requested the Applicant to advise him of the “practitioner who [had] agreed to represent [him], along with his/her fees and contact details so the Secretariat [could] reach out to establish a Chair”.

Although it is regrettable that the Respondent took more than six months to convene a medical board and that, seemingly, he only decided to do so pursuant to this Tribunal’s Order No. 010 (NY/2023), the Tribunal found that Judgment Applicant UNDT/2022/055 had been executed. Therefore, the application was considered moot.

Decision Contested or Judgment Appealed

The Applicant requested an Order for execution of Judgment Applicant UNDT/2022/055.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Application for execution was considered moot and consequently, it was dismissed.

Full judgment

[Download document](#)

Applicants/ Appellants

Applicant

Entity

UNJSPF

Case Number(s)

UNDT/NY/2022/054

Tribunal

UNDT

Registry Location

New York

Date of Judgment

11 Jul 2023

Judge(s)

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Execution of Judgment

Judgment-related matters

Applicable Law

UNDT RoP

- Article 32

UNDT Statute

- Article 12.4

Related Judgments

UNDT/2022/055

2023-UNAT-1315

2022-UNAT-1214