



UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D 'APPEL DES NATIONS UNIES

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Judgment No. 2013-UNAT-327

Tiwathia  
(Appellant)

v.

Secretary-General of the United Nations  
(Respondent)

JUDGMENT

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Before: Judge Mary Faherty, Presiding  
Judge Luis María Simón  
Judge Inés Weinberg de Roca

Case No.: 2012-356

Date: 21 June 2013

Registrar: Weicheng Lin

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Counsel for Appellant: Self-represented

Counsel for Respondent: Zarqaa Chohan



**THE UNITED NATIONS APPEALS TRIBUNAL**

10. In *Wamalala*, we have stated, *inter alia*:

The Appeals Tribunal has held that the UNDT enjoys wide powers of discretion in all matters relating to case management and that it must not interfere lightly in the exercise of the jurisdictional powers conferred on the tribunal of first instance to enable cases to be judged fairly and expeditiously and for the dispensation of justice. For this reason, and in accordance with Articles 2(2) and 10(2) of the UNDT Statute, appeals against decisions taken in the course of proceedings and relating to procedure, such as matters of proof, the production of evidence, or interim measures, are not receivable, even where the judge of first instance has committed an error of law or fact relating to the application of the conditions to which the grant of a suspension of action is subject or a procedural error.<sup>2</sup>

11. In the present case, notwithstanding Ms. Tiwathia's arguments, the Dispute Tribunal's legal and factual reasoning fall entirely within its competence and jurisdiction. Although her claims address the merits of the UNDT Judgment, they do not amount to claims that the Dispute Tribunal exceeded its competence or jurisdiction in denying her application for suspension of action pending management evaluation.

12. In all those circumstances, Ms. Tiwathia's appeal is not receivable.

Judgment

13. For the foregoing reason, the appeal is dismissed.

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*Kasmani v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-011; *Onana v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-008; *Tadonki v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-005.

<sup>2</sup> *Wamalala v. Secretary-General of the United Nations*

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