



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2025-1989

Ishtiaq Aslam

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 600 (2025)

1. On 25 January 2025, Mr. Ishtiaq Aslam filed an appeal with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) of Judgment No. UNDT/2024/101 (impugned Judgment).
2. In the impugned Judgment, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) denied Mr. Aslam's application with respect to his claims to compensation under Appendix D for certain injuries that he claimed were service-related.
3. The Registry of the Appeals Tribunal (Registry) registered Mr. Aslam's appeal as Case No. 2025-1989 on 27 January 2025.
4. On 30 January 2025, the Registry transmitted the appeal to the Secretary-General, with copy of the communication to Mr. Aslam.
5. On 31 March 2025, Mr. Aslam filed a Motion for Summary Judgment, arguing that the Secretary-General's answer was due on 28 March 2025, and since no answer was filed, Mr. Aslam was entitled to summary judgment.
6. On 1 April 2025, the Secretary-General submitted his answer to the appeal. The Registry transmitted the answer to Mr. Aslam on 2 April 2025.
7. On 3 April 2025, Mr. Aslam filed a motion he characterized as a "Motion to Disregard Respondent's Late Filing", requesting that the Appeals Tribunal reject the

Secretary-General's allegedly untimely answer. Mr. Aslam conceded in this second motion that the Secretary-General did not receive his appeal until 30 January 2025. Nonetheless, Mr. Aslam argued that the Secretary-General's answer was due 60 days from 30 January 2025, which according to him was 31 March 2025. Mr. Aslam submitted that the answer, filed on 2 April 2025, was outside the sixty-day time limit for filing an answer set out in Article 9(3) of the Appeals Tribunal Rules of Procedure (Rules). Mr. Aslam maintained that there was no basis for a waiver of the time limit and thus the Secretary-General's answer should be disregarded.

8. On 7 April 2025, the Secretary-General filed a response to the Motion for Summary Judgment and a separate response to the Motion to Disregard Respondent's Late Filing.

9. In both responses, the Secretary-General notes that according to Article 9(3) of the Rules, the answer is due "within 60 days of the date on which the respondent received the appeal transmitted by the Registrar".

10. However, the Secretary-General further observes that Article 29 of the Rules on "Calculation of Time Limits" provides that time limits "shall not include the day of the event from which the period runs" and "shall include the next working day of the Registry when the last day of the period is not a working day".

11. The Secretary-General submits that pursuant to Article 29 of the Rules, the first day of the 60-day time period was 31 January 2025, and the last day would have been 31 March 2025. However, as 31 March 2025 was "not a working day", in that it was an official United Nations holiday (Eid al-Fitr), the answer was due the "next working day" or 1 April 2025.

12. The Secretary-General submits that as his answer was filed on 1 April 2025, it was timely.

Considerations

13. As both the Motion for Summary Judgment and the Motion to Disregard Late Filing address the same issue, namely, the timeliness of the Secretary-General's answer, they will be disposed of in the same Order.

14. The decision on these Motions is determined by Articles 9(3) and 29 of the Rules which provide, respectively:

Article 9
Answers, cross-appeals and answers to cross-appeals

...

3. The signed original answer form and the annexes thereto shall be submitted together to the Registrar within 60 days of the date on which the respondent received the appeal transmitted by the Registrar.

Article 29
Calculation of time limits

The time limits prescribed in the rules of procedure:

- (a) Refer to calendar days, but shall not include the day of the event from which the period runs;
- (b) Shall include the next working day of the Registry when the last day of the period is not a working day; ...

15. The Secretary-General is correct that, pursuant to Article 29(a), the first day of the 60-day period for filing the answer was on 31 January 2025, not 30 January 2025, as Mr. Aslam claimed. The Secretary-General is also correct that when the 60th day of the period falls on a weekend or United Nations holiday, the due date is the next working day for the Registry. In the circumstances presented here, the answer was due on 1 April 2025, because the Registry was closed on 31 March 2025 for Eid al-Fitr. The Secretary-General's answer was in fact timely submitted.

16. Mr. Aslam asserts that the Secretary-General's answer was filed on 2 April 2025, apparently because that is the day that the Registry transmitted the answer to him for his information.

17. This assertion is without merit as the Registry's transmittal e-mail to Mr. Aslam clearly states that:¹

For your information, we transmit herewith the Secretary-General's Answer relating to the above case filed *on 1 April 2025*.

¹ Emphasis added.

18. The operative date for determining the timeliness of a party's pleading is the date of the party's filing in the Court Case Management System (CCMS), not the date of the Registry's transmittal of that pleading to the other party.

19. Given that the Secretary-General's answer in Case No. 2025-1965 was timely filed, the Motion for Summary Judgment and the Motion to Disregard the Late Filing must be denied. Case No. 2025-1989 will be considered by the Appeals Tribunal in due course.

IT IS HEREBY ORDERED that Mr. Aslam's Motion for Summary Judgment and Motion to Disregard Late Filing are **DENIED**.

Original and Authoritative Version: English

Dated this 16th day of April 2025
in Beirut, Lebanon.

(signed)
Judge Nassib G. Ziadé,
President

Entered in the Register on this 16th day of
April 2025 in New York, United States.

(signed)
Juliet E. Johnson, Registrar