



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2021/034

Judgment No.: UNDT/2021/120

Date: 15 October 2021

Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

DORJI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

**ON RECEIVABILITY**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Alan Gutman, ALD/OHR, UN Secretariat

## **Introduction**

1. On 11 August 2021, the Applicant, a former staff member of the United Nations Joint Staff Pension Fund (“UNJSPF”) filed an application against the “60 days time bar for [his] coerced resignation before [his] permanent contract expired”.
2. On 26 August 2021, the Respondent requested summary judgment on the basis that the application is not receivable.
3. By Order No. 81 (NY/2021) of 27 August 2021, the Tribunal decided that the matter could be adjudicated as a matter of law under art. 9 of its Rules of Procedure.
4. For the reasons stated below, the application is rejected as not receivable.

## **Facts**

5. The Applicant submitted his letter of resignation on 4 March 2019, effective 4 April 2019, which was accepted by the Administration.
6. On 25 June 2021, the Applicant submitted a request for management evaluation of his “coerced resignation” before the expiration of his contract.
7. On 22 July 2021, the Management Evaluation Unit (“MEU”) rejected the request for management evaluation on the grounds that it was not submitted within the 60-day deadline from the date of his separation from the Organization.

## **Consideration**

8. The Respondent alleges that the application is not receivable because (a) the Applicant has failed to identify a challengeable administrative decision but instead seems to contest MEU’s response to his request for management evaluation and the advice received by the Office of Staff Legal Assistance; (b) the Applicant filed his

request for management evaluation beyond the 60-day deadline provided in staff rule 11.2(c).

9. Staff rule 11.2(c) provides that a request for a management evaluation shall not be receivable by the Secretary-General unless it is sent within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested.

10. Under art. 8.3 of the Tribunal's Statute, the Tribunal may not suspend or waive the deadline for management evaluation.

11. The Tribunal notes that the Applicant's alleged coerced resignation and subsequent separation from the Organization occurred in March and April 2019. He, however, only requested management evaluation thereof on 25 June 2021.

12. Therefore, regardless of how the Applicant may intend to define the contested decision, it is clear from the application and its supporting documents, as well as from his request for management evaluation, that the issues disputed date back to March and April 2019.

13. Therefore, the Applicant missed the 60-day deadline to request management evaluation by over two years.

14. Furthermore, given that the application is non-receivable *ratione materiae* on this ground alone, the Tribunal does not need to address the other receivability objections raised by the Respondent or hear the Applicant's response to the Respondent's arguments on receivability.

**Conclusion**

15. In light of the foregoing, the application is rejected.

*(Signed)*

Judge Joelle Adda

Dated this 15<sup>th</sup> day of October 2021

Entered in the Register on this 15<sup>th</sup> day of October 2021

*(Signed)*

Nerea Suero Fontecha, Registrar, New York