

# UNDT/2009/026, Mezoui

## UNAT Held or UNDT Pronouncements

UNDT noted that the Applicant, having received the contested decision on 4 February 2009, did not file her application with this Tribunal until 14 July 2009, which was beyond the 90 calendar-day deadline set forth in Article 8 of the UNDT Statute. UNDT noted that before it can reject an application, it must determine whether failure to meet the deadline could have resulted from erroneous information provided by the Administration. UNDT held that the Applicant was not given any information that could have misled her, because, as she herself wrote, it was not until after 1 July 2009 that she received the reply from the Executive Secretary of the Administrative Tribunal to her request for an extension of the deadline. By that time, her application could no longer be deemed receivable by the Administrative Tribunal and was filed before UNDT beyond the prescribed time limit. UNDT accordingly held that the application was not receivable.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the Secretary-General's decision to accept the recommendation of the Joint Appeals Board that she should be paid compensation equivalent to three months' salary for not having received the full and fair consideration to which she was entitled during the staff selection process for the post of Director (D-2), Office for Economic and Social Council Support and Coordination.

## Legal Principle(s)

Before UNDT can reject an application, it must determine whether failure to meet the deadline could have resulted from erroneous information provided by the Administration.

## Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Mezoui

Entity

DESA

Case Number(s)

UNDT/GVA/2009/060

Tribunal

UNDT

Registry

Geneva

Date of Judgement

1 Oct 2009

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Secretary-General's bulletins

- ST/SGB/2009/11

UNDT Statute

- Article 8.1

Related Judgments and Orders

2010-UNAT-043