

# UNDT/2009/052, Rosca

## UNAT Held or UNDT Pronouncements

Transferred JAB cases are governed by the UNDT Statute. Decisions of the Administrative Tribunal on exceptional circumstances are wrong and should not be followed. Ignorance of the law held not relevant. Where the UNDT Statute is ambiguous, interpretation should preserve rights and uphold justice so far as the language permits. Outcome: The appeal was submitted within time and is receivable.

## Decision Contested or Judgment/Order Appealed

The applicant alleges the decision to extend his contract for a limited period only was improper because it was based on extraneous factors, namely harassment and abuse of authority. The respondent submitted that the application was time-barred as the applicant failed to meet the deadline for appeal. The applicant claimed that his application was not time-barred as neither he nor his counsel were aware of the response until a later date.

## Legal Principle(s)

N/A

## Outcome

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Rosca

## Entity

UN

## Case Number(s)

UNDT/NY/2009/068/JAB/2009/052

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

22 Oct 2009

## Duty Judge

Judge Adams

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Management Evaluation

Extension of time

## Applicable Law

Former Staff Rules

- Rule 11.2
- Rule 111.2(a)
- Rule 111.2(f)

GA Resolutions

- A/RES/53/253

UNDT RoP

- Article 7

UNDT Statute

- Article 2
- Article 8.1
- Article 8.2
- Article 8.3

## Related Judgments and Orders

UNDT/2009/036

UNDT/2009/051

UNDT/2009/057