

UNDT/2009/062, Hastopalli and Stiplasek

UNAT Held or UNDT Pronouncements

As the Applicants did not respond at all to the Tribunal's requests, they therefore must be deemed to have abandoned the legal proceedings they instituted. Outcome: Application was dismissed.

Decision Contested or Judgment/Order Appealed

The Applicants' appointment with UNMIK was terminated prior to its expiration date. They filed a joint appeal together with 12 other staff members with the Joint Appeals Board. After transfer to UNDT, the cases had to be separated and the Applicants were ordered on two occasions to submit additional and indispensable information. They never responded despite being warned that failure to comply would lead to summary judgment.

Legal Principle(s)

The Tribunal identified a general principle of procedural law that the right to institute legal proceedings is based on a legitimate interest in initiating and maintaining legal action. Access to the court is denied to those who are obviously no longer interested in the proceedings they once instituted.

Outcome

Dismissed for want of prosecution/abandonment

Full judgment

[Full judgment](#)

Applicants/Appellants

Hastopalli and Stiplasek

Entity

UNMIK

Case Number(s)

UNDT/GVA/2009/75

UNDT/GVA/2009/81

Tribunal

UNDT

Registry

Geneva

Date of Judgement

3 Nov 2009

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Procedure (first instance and UNAT)

Applicable Law

UNDT RoP

- Article 36
- Article 9