

UNDT/2009/080, Jennings

UNAT Held or UNDT Pronouncements

Outcome: In the exercise of its discretion under article 35 of the Rules of Procedure, the Tribunal found that it would be in the interests of justice to grant the respondent an extension of time for the filing of his reply until 21 December 2009, in order to allow the Tribunal to proceed with this matter without any further delays.

Decision Contested or Judgment/Order Appealed

On 30 October 2009, the applicant filed an application under staff rule 11.4, contesting the decision not to renew her fixed-term appointment. On 6 November 2009, approximately three weeks before the expiration of the time limit for the filing of a reply, the respondent requested an extension of time until 22 January 2010 to submit his reply. The applicant filed an objection to the respondent's request.

Legal Principle(s)

Article 35 of the Rules of Procedure deals specifically with the time limits fixed by the Rules of Procedure, and should therefore be applied by the Tribunal when dealing with the time limit for the filing of a reply, set forth in article 10.1. Article 19 of the Rules of Procedure deals generally with case management and is more appropriate for orders relating to time limits that are not set forth in the Rules of Procedure. In deciding whether to grant the respondent's request for an extension of time in this case, the Tribunal is vested with a discretion to do so in the interests of justice, in such manner and subject to such terms as it deems just. In exercising that discretion the Tribunal will have regard to what is fair to the parties and will weigh all relevant factors, including potential prejudice to both parties, the adequacy of the reasons advanced, the timeliness of the request, and the effect the extension of time will have on the proceedings. Adequate pleadings that are necessary for the purpose of determining the real issue in dispute between the parties must be allowed.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Jennings

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2009/097

Tribunal

UNDT

Registry

New York

Date of Judgement

24 Nov 2009

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Procedure (first instance and UNAT)

Applicable Law

Staff Rules

- Rule 11.3
- Rule 11.4

UNDT RoP

- Article 10.1
- Article 13.1
- Article 19
- Article 35
- Article 36.1

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2009/060

UNDT/2009/067

UNDT/2009/079