

UNDT/2009/081, Macharia

UNAT Held or UNDT Pronouncements

The Applicant sought a further extension of time on 16 October 2009 to file her substantive application after the Tribunal had previously granted her 21 days to do so. This extension expired on 16 October 2009. The Tribunal noted that: the Applicant's Counsel had applied to withdraw from representing the Applicant for want of instructions; the request for extension was filed on the date of expiry of the previous Order, and moved the Tribunal for a further extension of 1 year; the Applicant alluded to "direct negotiations" being underway; "with the Respondent in this matter", but failed to adduce any evidence to show that negotiations were in fact ongoing. The Tribunal concluded that the Applicant was neither ready nor willing to file and prosecute her substantive application and that it was an abuse of process for her to; indulge in frivolous and unending applications for extension of time when she was more inclined to ignore orders granted her in a previous application.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to summarily dismiss her from service

Legal Principle(s)

N/A

Outcome

Dismissed for want of prosecution/abandonment

Outcome Extra Text

The Tribunal refused the application for further extension of time and ordered that the matter should be struck out without prejudice.

Full judgment

[Full judgment](#)

Applicants/Appellants

Macharia

Entity

UN-Habitat

Case Number(s)

UNDT/NBI/2009/043

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

25 Nov 2009

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Disciplinary matters / misconduct

Procedure (first instance and UNAT)

Separation from service

Related Judgments and Orders

2010-UNAT-015