

UNDT/2010/019, Samardzic et al

UNAT Held or UNDT Pronouncements

Time limits for contesting administrative decisions are well known and widespread instruments in administrative law, both in national and in international jurisdictions. Compared to the time limits in some national and international systems, the time limits in the UN justice system remain within a reasonable frame. As for exceptions, “exceptional cases” arise from exceptional personal circumstances. Relevant factors for an Applicant’s failure to act within the prescribed time limits are confined to his individual capacities. Factors like the prospects of success on the merits and the importance of the case are extraneous to the requirement to submit an application within the prescribed time limits. Whether circumstances are within or beyond the control of the Applicant should be assessed against individual standards (e.g. educational level). All relevant factors have to be taken into account (e.g. technical problems, health, etc.). The burden of proof is on the Applicant.

Decision Contested or Judgment/Order Appealed

The Applicants held numerous fixed-term appointments with UNMIK in Belgrade. Each time their appointments were extended, they signed new letters of appointment, which included a paragraph according to which the signatory had been made acquainted with the Staff Regulations and Rules, a copy of which had been transmitted to him/her. After their appointments were terminated with effect from 10 April 2009, the Applicants did not react in writing until 21 July 2009; they formally requested a management evaluation on 18 September 2009. Their request for management evaluation was rejected as time-barred. Before the Tribunal, the Applicants contend that they were not aware of the time limits and that they never received information about them.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Samardzic et al

Entity

UNMIK

Case Number(s)

UNDT/GVA/2009/099

UNDT/GVA/2009/100

UNDT/GVA/2009/101

UNDT/GVA/2009/102

UNDT/GVA/2009/103

Tribunal

UNDT

Registry

Geneva

Date of Judgement

28 Jan 2010

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

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

Provisional Staff Regulations and Rules

- Rule 11.2(c)

UNAT Statute

- Article 8.1
- Article 8.3

UNDT RoP

- Article 7.5

Related Judgments and Orders

UNDT/2009/036

UNDT/2009/052