

UNDT/2010/028, Shakir

UNAT Held or UNDT Pronouncements

In accordance with former staff rule 111.2 (a) (i), the Applicant had only one month as of the receipt of the Secretary-General's reply to submit an appeal to the JAB. The Tribunal noted that the Applicant received the reply to her request for review on 31 January 2008 and that the JAB received her appeal only on 31 March 2008. Hence, the Tribunal considered that the Applicant's appeal was late. The Tribunal examined the record of facts and concluded that no exceptional circumstances existed, which may justify a waiver of the time limits for the submission of the statement of appeal to the JAB. The Tribunal did not decide whether such exceptional circumstances existed when the Applicant filed her request for administrative review.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of UNAMI, contested a "decision to not allow her to return to UNAMI", which was linked to the non-renewal of her appointment. The Tribunal brought to the attention of the parties several facts concerning the time limits of the appeal to the JAB. The Applicant pointed out that she had been sick when she intended to request administrative review.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Shakir

Entity

UNAMI

Case Number(s)

UNDT/GVA/2009/110

Tribunal

UNDT

Registry

Geneva

Date of Judgement

12 Feb 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)(i)
- Rule 111.2(f)

GA Resolutions

UNDT RoP

- Article 9

UNDT Statute

- Article 7.2

Related Judgments and Orders

UNDT/2010/019