

UNDT/2010/032, Trajanovska

UNAT Held or UNDT Pronouncements

No exceptional circumstances justifying a waiver of time limits prescribed in former staff rule 111.2 (a) could be found. The Applicant having served for long time in the Organization, she had ample opportunity to become familiar with the applicable rules. Therefore, it is reasonable to expect the applicant to be acquainted with the rules on time limits. The Applicant was not induced into error by MEU response as to the outcome she could expect from a procedure before the Tribunal. The transition to the new justice system cannot be said to have affected the Applicant's ability to timely request administrative review, given the fact that the relevant time limits expired before this change of system took place. Outcome: The application was rejected.

Decision Contested or Judgment/Order Appealed

The Applicant worked for several years on fixed-term appointments. Each time her appointment was extended she signed a document according to which a copy of the Staff Regulations and the Staff Rules was transmitted to her. Having received the decision to terminate her appointment on 9 April 2009 she wrote to different institutions, but not to the Secretary General. The Applicant did not request management evaluation before 15 July 2009. MEU considered her request as time-barred, and informed her that she could file an application with the Tribunal within 90 days. In her application, the Applicant argues that she should be granted a waiver of time limits for requesting administrative review on account to exceptional circumstances.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Trajanovska

Entity

UNMIK

Case Number(s)

UNDT/GVA/2009/067

Tribunal

UNDT

Registry

Geneva

Date of Judgement

23 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)
- Rule 111.2(f)

Related Judgments and Orders

UNDT/2009/036

UNDT/2009/051

UNDT/2009/052

UNDT/2010/004