

UNDT/2010/168, Mugendi

UNAT Held or UNDT Pronouncements

In UNDT Judgment No. 037, Sethia (2010), the Tribunal set out the applicable law in determining whether the time limits imposed by the Statute of the Dispute Tribunal will be waived. In the present case, having considered the applicant's submissions, the Tribunal finds that they do not satisfy the requirement of "exceptional" in Article 8.3 of the Statute of the Dispute Tribunal. The applicant did not abide by the time limits for filing his application with the JAB and subsequently, in his appeal against the JAB's findings, he also failed to abide by the time limits for filing his application with the former UN Administrative Tribunal. It is obvious that the applicant is not serious or diligent in pursuing his claims and this absence of diligence does not amount to exceptional circumstances.

Decision Contested or Judgment/Order Appealed

The issue for determination in this Application is whether or not the Application dated 30 April 2009 against the decision not to renew his fixed-term appointment is time barred.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Mugendi

Entity

ICTR

Case Number(s)

UNDT/NBI/2010/28/UNAT/1686

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

24 Sep 2010

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

UNDT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2010/037