

# **UNDT/2011/023, Sahel**

## UNAT Held or UNDT Pronouncements

The Tribunal cannot review the Alleged Harassment complaint as management evaluation is a prerequisite to an application before the Tribunal—see Planas 2010-UNAT-049 and Syed 2010-UNAT-061. The Tribunal does not have the power to suspend or waive time limits—see Costa 2010-UNAT-036. In this case there was no request for, or grant of an extension by the Secretary General. Therefore, regardless of whether there were attempts at informal resolution (or, indeed any other circumstance or factor), the Applicant’s challenge to the First Decision is out of time as it was filed more than 60 days after the notification of this decision. Outcome: The application is not receivable and is dismissed in its entirety.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decisions (1) not to appoint him to the position of Operations Assistant following his successful application and selection for the post on the basis that he had not passed a required internal examination (“First Decision”); and (2) his alleged harassment arising from a restriction placed on his carrying of a weapon in his official capacity, resulting in his medical evaluation (“Alleged Harassment”).

## Legal Principle(s)

The Secretary-General has the power to extend the 60-day period which a staff member has to seek management evaluation.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Sahel

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2010/066

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

28 Jan 2011

## Duty Judge

Judge Carstens

## Language of Judgment

French  
English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)  
Management Evaluation

## Applicable Law

Administrative Instructions

- ST/AI/2006/3

Staff Rules

- Rule 11.2(a)

UNDT Statute

- Article 8.1(c)

## Related Judgments and Orders

UNDT/2009/051

2010-UNAT-036

2010-UNAT-061