

UNDT/2012/083, Fetahu et al.

UNAT Held or UNDT Pronouncements

Request for revision of a ruling on an application for suspension of action: It follows from the combined provisions of articles 2.2, 11.3 and 12.1 of the UNDT Statute that a request for revision of a ruling on an application for suspension of action is not receivable. Even assuming that such a ruling might be open to revision, it is not possible for the Tribunal to revise it when the contested decision has been fully implemented. Extension of deadline for management evaluation: Staff rule 11.2(c) specifically provides that only the Secretary-General has the authority to extend the deadline for the filing of a request for management evaluation pending efforts for informal resolution conducted by the Office of the Ombudsman. It is clear from this provision that in order to exercise such authority, the Secretary-General must be informed of the ongoing efforts for informal resolution.

Decision Contested or Judgment/Order Appealed

The Applicants request the revision of Judgment UNDT/2011/118, which rejected their applications for suspension of action on the decisions not to renew their fixed-term appointments. The Tribunal rejects the application as irreceivable, quoting the ruling in Woinowsky-Krieger Order No. 67 (GVA/2010). In addition, it finds that the application does not comply with the requirements of article 12.1 of its Statute since the facts relied upon are neither decisive, nor were they unknown to the Applicants at the time Judgment UNDT/2011/118 was rendered.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Fetahu et al.

Entity

UNMIK

Case Number(s)

UNDT/GVA/2011/038

Tribunal

UNDT

Registry

Geneva

Date of Judgement

3 Jun 2012

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Revision of Judgment

Separation from service

Applicable Law

Staff Rules

- Rule 11.2(c)

UNDT Statute

- Article 11.3
- Article 12.1
- Article 2.2

Related Judgments and Orders

UNDT/2011/118