

UNDT/2012/096, Rathore

UNAT Held or UNDT Pronouncements

As consistently held by UNAT, the Dispute Tribunal has no jurisdiction to waive deadlines for management evaluation or administrative review. Time limits prescribed for administrative review (and management evaluation under the new system), which could be waived under the previous system, cannot be waived under article 8.3 of the Statute of the Dispute Tribunal, due to a specific prohibition in this respect contained in article 8.3.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision whereby the start date of his first appointment with the United Nations Logistics Base (“UNLB”) in Brindisi was set at 7 October 2002, which resulted in a six-day break in service between this appointment and his previous appointment with UNMISSET. He sought management evaluation nine years later, in November 2011, and filed an application with the Tribunal in January 2012. The Tribunal finds that the application is time-barred as it is clear from the facts of the case that the Applicant was notified in writing of the contested decision at the latest on 24 December 2002.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Rathore

Entity

UNLB

Case Number(s)

UNDT/GVA/2012/10

Tribunal

UNDT

Registry

Geneva

Date of Judgement

28 Jun 2012

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

- Rule 111.2(a)

UNDT Statute

- Article 8.3
- Article 8.4

Related Judgments and Orders

2010-UNAT-036

2010-UNAT-074

2011-UNAT-108

2011-UNAT-169

2012-UNAT-191