

UNDT/2012/133, Czarán

UNAT Held or UNDT Pronouncements

Need to observe time-limits: It is for the staff member who sought management evaluation of a decision, once he/she has been informed that the Secretary-General issued his response, to take cognizance of the content of this response as soon as possible and ensure compliance with applicable deadlines.

Decision Contested or Judgment/Order Appealed

By application filed on 23 March 2012, the Applicant, a P-4 staff member of the United Nations Office for Outer Space Affairs, challenged the decision to transfer him, at the same level, from Bonn, Germany to Vienna, Austria. The Respondent objected that the Applicant had been notified of the outcome of the management evaluation on 19 December 2011 and that he was therefore late in filing his application before the Tribunal. The UNDT noted that the Administration had responded to the Applicant's request for management evaluation by letter dated 15 December 2011 sent to him by email on 19 December 2011, and that he had received the email on his mobile phone also on 19 December though he could not open the attached letter before 23 December 2011. It consequently found that the Applicant had failed to file his application within the 90-day deadline, as required by article 8.1(d)(a) of the Tribunal's Statute and staff rule 11.4, and it accordingly rejected the application.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Czarán

Entity

OOSA

Case Number(s)

UNDT/GVA/2012/22

Tribunal

UNDT

Registry

Geneva

Date of Judgement

3 Sep 2012

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Staff Rules

- Rule 11.2
- Rule 11.4

UNDT Statute

- Article 8.1

Related Judgments and Orders

UNDT/2011/019

UNDT/2011/028

2010-UNAT-043

2010-UNAT-069

2012-UNAT-218