

UNDT/2013/001, Khisa

UNAT Held or UNDT Pronouncements

Premature filing of an Application: The Tribunal held that there is no rule that requires the Tribunal to wait for the action or inaction of the MEU before assuming jurisdiction in a case. The Tribunal held that it would not be in the interest of justice to reject applications indiscriminately solely on the basis that they were filed prematurely without taking into consideration the particular and/or exceptional circumstances that may exist in each of case.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to evict her from her United Nations provided accommodation in Torit on 11 November 2012. The Respondent submitted that the application was not receivable *ratione materiae*, *ratione temporis* and that the Application had been filed with the Tribunal prematurely i.e. two before the expiry of the management evaluation response period.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

UNDT held that the application was receivable.

Full judgment

[Full judgment](#)

Applicants/Appellants

Khisa

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2011/49

UNDT/NBI/2012/1

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

8 Jan 2013

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (*ratione materiae*)

Temporal (*ratione temporis*)

Applicable Law

Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)

UNDT RoP

- Article 19
- Article 36

UNDT Statute

- Article 8.1(c)
- Article 8.1(d)(i)

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2012/068

2010-UNAT-058

2010-UNAT-061

UNDT/2012/183

2010-UNAT-071

2010-UNAT-074

2011-UNAT-184