

UNDT/2013/155, A-Ali, et al.

UNAT Held or UNDT Pronouncements

The Respondent claimed that the appeals with the UNDT were filed out of time and were not receivable. 42 of the requests for management evaluation were filed on 19 March 2013 and a response from the MEU was emailed to the legal representatives for the Applicants, cc'ing each of the Applicants, on 9 April 2013. The legal representatives for the Applicants submitted that he never received the email resulting in him appealing the contested decision on day 90 (17 July 2013), following the expiry of the 30 day period for the MEU to send them a decision (19 April 2013). The Respondent submitted that all of the 42 initial Applicants were communicated the outcome of their request on 9 April 2013 via email and that they received read receipts from 30 of the 42 Applicants. Further, following an attempt on 11 April 2013 to add four Applicants to the initial 42, the MEU and the legal representatives for the Applicants exchanged emails whereby they were informed that their MEU requests were closed and that these four Applicants needed to file a new separate request, which they never did. The claim of the four Applicants that attempted to file a request for management evaluation on 11 April 2013 are not receivable for failure to comply with the requirements of art. 8.1(c). The Tribunal considers that, at the very least, the Applicants legal representatives knew, or should have known, that the requests for management evaluation were completed and "closed" on 11 April 2013. In any event, under Staff Rule 11.2(d), the MEU was only required to communicate the outcome of the requests for management evaluation to the Applicants in writing, which they did. It cannot be accepted that, whilst claiming that they have abandoned all responsibility regarding the conduct of their cases to their legal representatives, the Applicants would at the same time be absolved of the consequences of the acts of the said legal representatives. Legal representatives act at the behest of their clients and not the other way around. It is an applicant's responsibility to pursue her or his case and when the said applicant is represented by counsel he or she cannot be absolved of any error or oversight by counsel regarding the applicable time limits.

Decision Contested or Judgment/Order Appealed

46 Applicants from Publishing Section, DGACM, contested the decision to initiate recruitment of 19 candidates for the future operation of their Section and DGACM's intention to abolish 59 posts in that Section.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

A-Ali, et al.

Entity

DGACM

Case Number(s)

UNDT/NY/2013/97

Tribunal

UNDT

Registry

New York

Date of Judgement

2 Dec 2013

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Legal services (OSLA or other) and self-representation

Applicable Law

Secretary-General's bulletins

- ST/SGB/2013/3

Staff Rules

- Rule 11.2

UNDT Statute

- Article 10.6
- Article 8

Related Judgments and Orders

2012-UNAT-211