UNDT/2014/047, Haydar

UNAT Held or UNDT Pronouncements

The Tribunal does not accept the Applicant's submission that the Respondent made a contestable administrative decision concerning her reassignment on 29 December 2012. The Tribunal finds that the Respondent did not make a new contestable administrative decision concerning her reassignment on 29 December 2012. It confirmed the original decision made in February 2012. As the Applicant did not seek management evaluation of the original decision within the required 60 days, her application is not receivable by the Tribunal. It is settled law that a decision is considered final when the Organisation decides to take a particular course of action, which has direct legal consequences on the rights and obligations of a staff member as an individual. It is also settled law that timelines as stipulated in article 7.1(a) of the Rules of Procedure and article 8.1(d)(i) of the Statute must be strictly observed. The jurisprudence is consistent in that reiterations of administrative decisions which are repeatedly questioned by a staff member do not serve to reset the clock in respect of the stipulated timelines for a challenge of those decisions. Time begins to run from the date the decision was originally made. Repeated restatements of the original claim will not alter the deadline for a challenge against the impugned decision. A new decision is one that is made under new circumstances and is, as such, subject to review.

Decision Contested or Judgment/Order Appealed

In her amended Application, the Applicant stated that the contested decision is the decision of the Department of Field Support (DFS) not to regularise her status by assigning her to a post commensurate with her duties as a P-3 Supply Officer. She alleges that this was a written decision dated 29 December 2012. She further alleges that there was no specific response to her request of 30 November 2012 for a formal investigation into alleged abuse of authority by UNAMID staff in connection with her removal from her former post in Sudan.

Outcome

Dismissed as not receivable

Full judgment

Full judgment

Applicants/Appellants

Haydar

Entity

UNAMID

Case Number(s)

UNDT/NBI/2013/39

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

24 Apr 2014

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision
Definition
Jurisdiction / receivability (UNDT or first instance)
Subject matter (ratione materiae)

Applicable Law

Staff Rules

- Rule 11.2 (c)
- Rule 2.1

UNDT RoP

- Article 7.1(a)

UNDT Statute

- Article 8.1(d)(i)

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2010/174
UNDT/2010/210
2010-UNAT-079
2012-UNAT-275
2010-UNAT-043
2010-UNAT-005