UNDT/2014/049, Enan

UNAT Held or UNDT Pronouncements

The Respondent was not asked to submit a reply to the application since it seemed clear to the Tribunal that the claim was manifestly not admissible. The UNDT found that the Applicant filed his application approximately seven months after the expiration of the deadline of 16 September 2013. The UNDT further found that the Management Evaluation Unit ("MEU") failed to comply with the established deadlines for its response to the Applicant's request for management evaluation. The belated letter from the MEU—which missed its deadline by more than seven months, going well beyond even the deadline for the Applicant's filing before the Tribunal—did not reset the time clock for the filing of the present application. The application was rejected as not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of the Department of General Assembly and Conference Management ("DGACM"), appealed two decisions to relocate DGACM staff members to the Albano building.

Legal Principle(s)

Time limits for the filing of an application and belated response to management evaluation request: The belated letter from the MEU—which missed its deadline by more than seven months, going well beyond even the deadline for the Applicant's filing before the Tribunal—did not reset the time clock for the filing of the present application. Compliance with MEU deadlines: The Staff Rules do not contemplate the possibility that the MEU may fail to comply with the time limit and may submit a response beyond the 30 or 45 day prescribed period. It would appear that the staff rule was formulated deliberately in order to give effect, in a tangible and practical form, to the policy objective of having a strict deadline for the MEU phase so that

there is clarity and certainty in achieving the just and expeditious disposal of workplace disputes. It is clear that decisions of the MEU that exceed the time limits imposed on their role and functions are inconsistent with the policy and objectives of the formal system of internal justice in the United Nations.

Outcome

Dismissed as not receivable

Full judgment

Full judgment

Applicants/Appellants

Enan

Entity

DGACM

Case Number(s)

UNDT/NY/2014/36

Tribunal

UNDT

Registry

New York

Date of Judgement

28 Apr 2014

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)
Management Evaluation
Management Evaluation
Delayed response

Applicable Law

Staff Rules

- Rule 11.2
- Rule 11.4

UNDT RoP

- Article 11

UNDT Statute

- Article 8