

UNDT/2014/124, Ravnjak

UNAT Held or UNDT Pronouncements

The UNDT noted despite reminders sent by the Staff Union, and once the Applicant realized that her application had not been processed, she still did not take any action to rectify the situation, and filed her application only nearly two years later. The UNDT found that the circumstances the Applicant described could not be considered “beyond her control”, and rejected her request for a waiver of the time limit to file her application as being unfounded; hence the application was rejected as being time-barred.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision not to convert her fixed-term appointment into a permanent one; she however filed her application with the UNDT more than two years after receipt of the reply to her request for management evaluation. To explain such a delay, the Applicant put forward “exceptional circumstances”, namely the fact that she had duly followed the instructions received from the Staff Union but the latter had never forwarded her application to UNDT.

Legal Principle(s)

Exceptional circumstances for a waiver of the time limit to file an application: As per the jurisprudence, a delay in filing an application with the Tribunal can generally be excused only because of circumstances beyond an applicant’s control. In particular, the alleged complexity of a case with hundreds of litigants is no excuse for an applicant not to show diligence and take all necessary steps to pursue his or her own case in due time.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Ravnjak

Entity

ICTY

Case Number(s)

UNDT/GVA/2014/72

Tribunal

UNDT

Registry

Geneva

Date of Judgement

13 Oct 2014

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Applicable Law
UNDT RoP

- Article 7

UNDT Statute

- Article 8

Related Judgments and Orders

2013-UNAT-394

2013-UNAT-385

2013-UNAT-308

2010-UNAT-067

2013-UNAT-349

2013-UNAT-313

2013-UNAT-335

2014-UNAT-406