

# UNDT/2015/032, Pavicic

## UNAT Held or UNDT Pronouncements

The Tribunal found the application to be irreceivable, considering that the responsibility to pursue a case remains with the applicant and that, even when he learnt that no (timely) management evaluation had been requested in his case, he took four additional months to submit such request.

## Decision Contested or Judgment/Order Appealed

The Applicant did not request management evaluation of the decision not to convert his fixed-term appointment into a permanent one within the statutory time limits. He sent the required documentation to the ICTY Staff Union, which was assisting a large number of ICTY staff affected by identical decisions. The Staff Union inadvertently failed to transmit the Applicant's documentation to his (and his colleagues') counsel.

## Legal Principle(s)

Responsibility to pursue a case: the responsibility to pursue a case rests with the applicant and when he or she is represented by counsel, said applicant cannot be absolved of any error or oversight by counsel regarding the applicable time limits. An applicant is not absolved of the consequences of the acts of his/her legal representatives.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Pavicic

## Entity

ICTY

## Case Number(s)

UNDT/GVA/2015/118

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

2 Apr 2015

## Duty Judge

Judge Laker

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Appointment (type)

Permanent appointment

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

## Applicable Law

Staff Rules

- Rule 11.2(c)

UNDT Statute

- Article 8.1(c)

## Related Judgments and Orders

UNDT/2013/155

UNDT/2009/036

2013-UNAT-394

2013-UNAT-385

2013-UNAT-308

2012-UNAT-211

2014-UNAT-443

2013-UNAT-349

2014-UNAT-402

2013-UNAT-313

2014-UNAT-406

2010-UNAT-053

2013-UNAT-335