

UNDT/2016/005, Khan

UNAT Held or UNDT Pronouncements

Receivability: The filing of a recourse application as per UNHCR Promotions Policy suspends the time limit to submit a request for management evaluation of a decision not to grant promotion only if it is timely done; otherwise, the deadline for requesting management evaluation runs from the date of notification of the initial decision, unless an extension of time is granted or the deadline is waived by the competent authority.

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of the United Nations High Commissioner for Refugees (“UNHCR”), contests the decision of the High Commissioner not to promote him from the P-4 to the P-5 level during the 2013 Promotions Session. Prior to filing a request for management evaluation, the Applicant first challenged the decision not to promote him through a recourse application pursuant to UNHCR Policy and Procedures for the Promotion of International Professional Staff Members (“UNHCR Promotions Policy”) but this recourse was found irreceivable due to its late filing and, therefore, not considered on the merits. The Tribunal found the application irreceivable *rationa materiae* as the request for management evaluation was submitted more than 60 days after the notification of the original decision not to promote the Applicant, which was considered to be the “contested decision” in the present proceedings.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Khan

Entity

UNHCR

Case Number(s)

UNDT/GVA/2015/146

Tribunal

UNDT

Registry

Geneva

Date of Judgement

19 Jan 2016

Duty Judge

Judge Downing

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Staff selection (non-selection/non-promotion)

Applicable Law

Staff Rules

- Rule 11.2

UNDT Statute

- Article 8.1(b)
- Article 8.1(d)(i)
- Article 8.3

Related Judgments and Orders

UNDT/2011/019

UNDT/2011/028

2010-UNAT-043

2010-UNAT-069

2012-UNAT-218

2010-UNAT-036

2010-UNAT-072

2010-UNAT-074

2011-UNAT-108

2014-UNAT-402