

UNDT/2016/123, Tadonki

UNAT Held or UNDT Pronouncements

Although the proceedings of the rebuttal panel had been completed and notified to the Applicant in July 2011, he did not move the Tribunal to waive the deadlines pursuant to art. 35 of the UNDT Rules of Procedure. The Applicant was required to submit a request for management evaluation but he did not do so.

Decision Contested or Judgment/Order Appealed

The Applicant contested the Respondent's refusal to disclose an unredacted copy of his Performance Appraisal Rebuttal Panel Report, with the names and signatures of the rebuttal panel members.

Legal Principle(s)

Staff rules 11.2(a) and (c) and 11.4 require a staff member to first approach the; Secretary-General for the resolution of a dispute within sixty (60) days of being notified of the impugned decision. That is the threshold of receivability before the Management Evaluation Unit.; Where a request for management evaluation is a mandatory first step in commencing proceedings, the Tribunal has no power to dispense with this requirement. The wide discretion to order disclosure under the Tribunal's case management powers is subject to the principles of relevance and the probative value of the documents sought to be disclosed. This presupposes the pre-existence of a valid claim or a new claim which on the face of it appears that it does or may support the criteria of relevance and probative value. Accordingly, a claim which, taken at its highest and giving the party seeking disclosure the benefit of any doubt, discloses no arguable cause of action, cannot support an order for disclosure.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Tadonki

Entity

UNOPS

Case Number(s)

UNDT/NBI/2015/169

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

15 Sep 2016

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Performance management

Performance evaluation

Rebuttal

Applicable Law

Administrative Instructions

- ST/AI/2010/5

Staff Rules

- Rule 11.2(a)
- Rule 11.4

UNDT RoP

- Article 18
- Article 19
- Article 35
- Article 7

UNDT Statute

- Article 3.1(a)
- Article 3.1(b)