

UNDT/2016/209, Gupta

UNAT Held or UNDT Pronouncements

The UNDT found that the application was irreceivable *ratione materiae* and *ratione temporis* as both the Applicant's request for management evaluation and his application before the Tribunal were time-barred. Receivability: A new administrative decision that supersedes the contested decision cannot be submitted to the Tribunal's review through additional submissions in the case under consideration. It ought to be challenged through another application before the Tribunal. The deadline to file a request for management evaluation starts from the moment the staff member was made aware of the decision. As the Appeals Tribunal held in Rosana 2012-UNAT-273, "[t]he date of an administrative decision is based on objective elements that both parties (Administration and staff member) can accurately determine". Pursuant to the long standing jurisprudence of the Appeals Tribunal, the reiteration of an original administrative decision does not reset the clock with respect to statutory time limits, which started to run from the date of the original decision.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision to prorate the second instalment of the lump-sum portion of this assignment grant to Kinshasa.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Gupta

Entity

MONUSCO

Case Number(s)

UNDT/GVA/2016/11

Tribunal

UNDT

Registry

Geneva

Date of Judgement

18 Nov 2016

Duty Judge

Judge Downing

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (*ratione temporis*)

Applicable Law
Administrative Instructions

- ST/AI/2012/1

Staff Rules

- Rule 7.14

UNDT Statute

- Article 11.2
- Article 8.1
- Article 8.1(d)(i)(a)
- Article 8.3

Related Judgments and Orders

2010-UNAT-036

2010-UNAT-072

2010-UNAT-074

2010-UNAT-043

2013-UNAT-394

2013-UNAT-385

2014-UNAT-470

2015-UNAT-558

2012-UNAT-273

2010-UNAT-079

2015-UNAT-539

2014-UNAT-402