

UNDT/2016/211, Kadri

UNAT Held or UNDT Pronouncements

Receivability - Article 7.4 of the UNDT Rules of Procedure requires that any application seeking to enforce the terms of a settlement agreement must be filed within 90 calendar days of the last day for implementation as specified in the agreement and where dates for the implementation are not stated, the application must be filed within thirty calendar days of the signing of the settlement agreement. An examination of the Settlement Agreement between the parties shows that no date was stipulated for its implementation. Any application challenging it must therefore be brought within 30 days following its signing by the parties. The facts of the case are that while the said agreement was signed by the parties on 24 April 2010, the application challenging its meaning and implementation was filed nearly two years later in January 2013. The Applicant is accordingly out of time and his Application to enforce what he claims to be the true meaning of the Settlement Agreement is not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant was a staff member of the United Nations Economic and Social Commission for Western Asia (ESCWA) from 24 August 2002 until 24 August 2012. On 7 January 2013, he filed an application alleging that he had signed a Settlement Agreement under duress, that ESCWA had rejected his application for a position of Director, Economic Development and Globalization Division (EDGD) for which he had previously been rostered and that the ESCWA Administration continued to harass and discriminate against him. The Dispute Tribunal heard the application and issued a judgment on the matter on 23 December 2013. The Applicant appealed that judgment and on 26 February 2015, the United Nations Appeals Tribunal (UNAT) allowed the appeal in part and remanded the case to the Dispute Tribunal to make a decision on the Applicant's claim of continued harassment and discrimination. The Tribunal has found that the Applicant's claims of continued harassment and discrimination by ESCWA Administration based on the terms of the Settlement

Agreement is not receivable having been filed out of time.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Kadri

Entity

ESCWA

Case Number(s)

UNDT/NBI/2013/2/R1

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

1 Dec 2016

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Ombudsman / informal resolution

Referral to ombudsman / mediation

Applicable Law

Administrative Instructions

- ST/AI/292

UNDT RoP

- Article 15.7
- Article 7.4