

# UNDT/2017/041, Said

## UNAT Held or UNDT Pronouncements

The Applicant was informed in February 2007 that his promotion must follow a competitive recruitment process. The contention that he should have been promoted to the G-5 level at the time could and should have been challenged when the Applicant received formal notification of his retroactive promotion in October/November 2007. He did not. He also did not challenge the Respondent's letter of 6 May 2015.

## Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision that his request for compensation at the G-5 level would not be reviewed any further.

## Legal Principle(s)

It is settled law that timelines as stipulated in article 7.1(a) of the UNDT Rules of Procedure and article 8.1 of the UNDT Statute must be strictly observed. The United Nations Appeals Tribunal (UNAT) has clearly and consistently pronounced on the necessity of strict adherence to filing deadlines. If a request for management evaluation is time-barred, the application before the UNDT is not receivable because the UNDT Statute forbids waiver of time limits for management evaluation. UNAT has also affirmed that an untimely request for management evaluation bars applications before the Tribunal even if management evaluation was actually received. Article 8.4 of the Tribunal's Statute stipulates that an application shall not be receivable if it is filed more than three years after the applicant's receipt of the contested administrative decision. The principle governing the issue of whether a reiteration of a decision already made constitutes a new decision for the purposes of article 7.1(a) of the UNDT Rules of Procedure and article 8.1(d)(i) of the UNDT Statute is settled.

## Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Said

Entity

UNTSO

Case Number(s)

UNDT/NBI/2016/082

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

12 Jun 2017

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Management Evaluation

Applicable Law

Staff Rules

- Rule 11.2

UNDT Statute

- Article 7
- Article 8