# **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