

# **UNDT/2019/044, Achakzai**

## **UNAT Held or UNDT Pronouncements**

The Tribunal noted that according to the Applicant's submission, he was notified of the contested decision on 19 May 2017. Therefore, the 90-day time limit to institute proceedings before the Tribunal expired on 17 August 2017. It followed that when the Applicant submitted his incomplete application by email on 21 August 2017, the statutory time limit had already elapsed. The Tribunal therefore found that the application was irreceivable *ratione temporis*.

## **Decision Contested or Judgment/Order Appealed**

Imposition of disciplinary measure of a loss of five steps in grade and deferment of eligibility for consideration for promotion for a period of three years.

## **Legal Principle(s)**

Time limits for formal contestation are to be strictly enforced (Mezoui 2010-UNAT043, Al-Mulla 2013-UNAT-394, Samuel-Thambiah 2013-UNAT-385, Romman 2013UNAT-308, Kissila 2014-UNAT-470, Kazazi 2015-UNAT-557).

## **Outcome**

Dismissed as not receivable

## **Full judgment**

[Full judgment](#)

## **Applicants/Appellants**

Achakzai

## Entity

UNHCR

## Case Number(s)

UNDT/GVA/2019/4

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

21 Mar 2019

## Duty Judge

Judge Bravo

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

## Applicable Law

Staff Rules

- Rule 11.4

UNDT RoP

- Article 9

UNDT Statute

- Article 8.1(ii)

## Related Judgments and Orders

2013-UNAT-313

2013-UNAT-335

2010-UNAT-043

2013-UNAT-394

2013-UNAT-385

2013-UNAT-308

2014-UNAT-470

2015-UNAT-557