

2010-UNAT-074, Trajanovska

UNAT Held or UNDT Pronouncements

UNAT held that the UNDT's judgment in Rosca was no longer good law, having been overruled by UNAT in Costa. UNAT held that time limits prescribed for administrative review and management evaluation (in the new system) could not be waived under Article 8(3) of the UNDT Statute, due to a specific prohibition in this respect contained in Article 8(4) of the UNDT Statute, as interpreted by UNDT in Costa and affirmed by UNAT. UNAT held that the application was time-barred and the delay in filing could not be condoned. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to separate her from service. UNDT found the application not to be receivable *ratione temporis* on the basis that she failed to seek administrative review of the decision within the time limit.

Legal Principle(s)

Time limits prescribed for administrative review (or management evaluation) cannot be waived by UNDT.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Trajanovska

Entity

UNMIK

Case Number(s)

2010-070

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Oct 2010

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (*ratione temporis*)

Related Judgments and Orders

UNDT/2010/032

UNDT/2009/051