

2010-UNAT-079, Sethia

UNAT Held or UNDT Pronouncements

UNAT held that the repeated requests by the Appellant to the management over a period of seven years for a correction of his entry-level were mere restatements of the original claim and did not stop the deadline for contesting the decision from running. UNAT held that UNDT did not have the power to waive or suspend the deadline for requesting administrative review under the old internal justice system (Costa (2010-UNAT-036)). UNAT held that UNDT erred in law in applying the decision in Rosca (UNDT/2009/052), which was disproved by UNAT in Costa, but that the error did not affect the outcome for the case. UNAT held that the application was time-barred and not receivable. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the level at which he was appointed upon joining the Organisation. UNDT dismissed the application as non-receivable as it was time-barred.

Legal Principle(s)

UNDT does not have the power to waive or suspend the deadline for requesting administrative review.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Sethia

Entity

ICTR

Case Number(s)

2010-076

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2010

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

- Rule 111.2(a)

Related Judgments and Orders

UNDT/2010/037

2010-UNAT-035

2010-UNAT-046