

# 2012-UNAT-260, Rahman

## UNAT Held or UNDT Pronouncements

UNAT held that it was not in dispute that the Appellant did not submit a request for management evaluation until more than one year after he had been notified that he had not been selected for the post in question. UNAT held that UNDT, under Article 11.1 of the UNDT Statute, was obliged to issue a judgment in writing, stating the reasons, facts, and law on which it was based. UNAT held that UNDT's decisions, that the Appellant had been properly served with a notification in writing in compliance with former Staff Rule 111.2 and that Article 8.3 prohibited UNDT from extending the deadline for management evaluation, stated the reasons, facts, and law on which they were based and were sufficient to dispose of the application under consideration. UNAT held that these decisions were correct and that UNDT fully complied with its obligations under Article 11.1 of its Statute. UNAT held that the Appellant had failed to demonstrate any error of law on the part of UNDT. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select him for a post of Director. UNDT rejected the application as time-barred. UNDT found that an email from the UNCTAD Secretary-General to all UNCTAD staff members constituted a written notification to the Applicant. UNDT found that a subsequent response from the Officer-in-Charge of HRMS merely confirmed the previous decision and could not be used to reopen the time limits for submission of a request for management evaluation.

## Legal Principle(s)

Staff members are presumed to know the regulations and rules applicable to them.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Rahman

Entity

UNCTAD

Case Number(s)

2011-277

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Nov 2012

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Notification

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

- Rule 111.2

UNDT Statute

- Article 11.1
- Article 8.3

Related Judgments and Orders

UNDT/2011/183

2010-UNAT-029

2010-UNAT-074

2010-UNAT-072

2011-UNAT-108

2010-UNAT-036