

2013-UNAT-363, Chaaban

UNAT Held or UNDT Pronouncements

UNAT held there was no error in the UNRWA DT's finding that the application was time-barred. UNAT held that UNRWA DT has, in principle, the discretion to accept UNRWA's late reply in circumstances where UNRWA has not filed a motion seeking leave to do so and without proprio motu ordering UNRWA to file a reply. Noting the Administration's reply was due before the transitional period into the new system of justice began, UNAT held that UNRWA DT erred when it granted a waiver of time after an excessive period of time had passed which was based on inaccurate facts and an invalid reason. UNAT held that the submission of the Commissioner-General's late reply was not, however, prejudicial to Mr Chaaban since his appeal was time-barred. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

UNRWA DT judgment: The Applicant contested the decision not to invite him for tests for two posts for which he had applied. UNRWA DT rejected the application as time-barred. UNRWA DT allowed the Commissioner-General an extension of time to file a reply in the interests of justice, given the transition from the former to the current internal justice system.

Legal Principle(s)

UNRWA DT has the discretion to accept a late reply from the Respondent in circumstances where the Respondent has not filed a motion seeking leave to do so and without proprio motu ordering the Respondent to file a reply.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Chaaban

Entity

UNRWA

Case Number(s)

2012-411

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2013

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Procedure (first instance and UNAT)

Applicable Law

UNRWA Area Staff Rules

- Former Rule 111.3(4)

UNRWA DT Statute

- Article 8.3
- Article 8.4