

2014-UNAT-406, Chahrour

UNAT Held or UNDT Pronouncements

On the issue of receivability, UNAT held that there was no merit to the Appellant's claim that UNRWA DT had exceeded its competence or jurisdiction in summarily addressing sua sponte the issue of the receivability of the application when the Commissioner-General did not raise that issue in his reply. UNAT held that the Appellant's request for review of the contested decision was filed almost a year after he knew of the implied decision and was, therefore, untimely. UNAT rejected the Appellant's contentions against the participation of the Commissioner-General in the proceedings and to file a tardy reply. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to appoint him to the post of Registrar at Sibli Vocational Training Center (VTC). UNRWA DT dismissed the application summarily sua sponte as not receivable because the Applicant had failed to timely seek administrative review under the former Area Staff Rule 111. 3 prior to filing the application. UNRWA DT gave the Commissioner-General leave to file a tardy reply to the application and to take part in the proceedings.

Legal Principle(s)

The knowledge of the facts – and not the legal consequences flowing from the facts – determines the date from which management evaluation or decision review must be sought.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Chahrour

Entity

UNRWA

Case Number(s)

2013-456

Tribunal

UNAT

Registry

New York

Date of Judgement

2 Apr 2014

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

UNDT Statute

- Article 2.6

UNRWA Area Staff Rules

- Former Rule 111.3
- Rule 111.2
- Rule 111.3

UNRWA DT RoP

UNRWA DT Statute

- Article 8.1(c)
- Article 8.3

Related Judgments and Orders

2013-UNAT-363

2013-UNAT-369

2012-UNAT-271

2012-UNAT-273

2012-UNAT-260

2013-UNAT-335

2011-UNAT-108

2013-UNAT-304