

UNDT/2023/074, EL-ANANI

UNAT Held or UNDT Pronouncements

The Tribunal noted that the evidence before it included two Microsoft Outlook notifications which established that the administrative decision was delivered to and read by the Applicant on 28 March 2023. The Tribunal further noted that the Applicant did not deny the authenticity of the Microsoft Outlook notifications.

The Tribunal thus held that the Applicant should have filed his application no later than 26 June 2023 to comply with the 90-calendar day deadline. He filed his application on 28 June 2023, which was two days after the statutory deadline. Accordingly, the application was dismissed as non-receivable.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application on 28 June 2023 to contest the imposition on him of the disciplinary measure of separation from service with compensation in lieu of notice, and without termination indemnity, in accordance with staff rule 10.2(a)(viii).

Legal Principle(s)

Pursuant to article 8.1(d)(ii) of the UNDT Statute, an application is receivable if in cases where management evaluation of the contested decision is not required, it is filed within 90 calendar days of the applicant's receipt of the administrative decision. Staff rule 11.4(b) sets the same deadline.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

EL-ANANI

Entity

UNSCOL

Case Number(s)

UNDT/NBI/2023/053

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

21 Jul 2023

Duty Judge

Judge Wallace

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Temporal (ratione temporis)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Rules

- Rule 11.4(b)

UNDT Statute

- Article 8.1(d)(ii)

Related Judgments and Orders

2010-UNAT-043

2014-UNAT-470