

2022-UNAT-1278, Langa Dorji

UNAT Held or UNDT Pronouncements

The UNAT considered an appeal by Mr. Dorji.

The UNAT found that the appeal was defective in that it failed to identify any of the five grounds of appeal set out in Article 2(1) of the Statute as forming the legal basis of the appeal. As the UNDT correctly held, Mr. Dorji's alleged coerced resignation and subsequent separation from the Organization occurred in March and April 2019. Mr. Dorji's request for management evaluation thereof was filed outside the 60-day statutory time limit by more than two years, on 25 June 2021.

The UNAT dismissed the appeal and affirmed Judgment No. UNDT/2021/120.

Decision Contested or Judgment/Order Appealed

Mr. Dorji contested the decision to accept his resignation.

The UNDT, by Judgment No. UNDT/2021/120, summarily dismissed the application, finding that it was non-receivable *ratione materiae*.

Legal Principle(s)

A party appealing a judgment of the UNDT is unlikely to succeed in having the judgment reversed, modified or the case remanded to the UNDT unless the appeal challenges the impugned judgment on one or more of the grounds referred to in Article 2(1)(a) to (e) of the UNAT Statute.

An application shall be receivable if the applicant has previously submitted the contested decision for management evaluation where required. The UNAT has repeatedly and consistently strictly enforced the time limits for filing applications and appeals. Strict adherence to filing deadlines assures one of the goals of the new system of administration of justice: the timely hearing of cases and rendering of judgments.

The UNAT has also consistently held that staff members are presumed to know the Regulations and Rules applicable to them. It is the staff member's responsibility to ensure that he or she is aware of the applicable procedure in the context of the administration of justice at the United Nations. Ignorance cannot be invoked as an excuse.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Langa Dorji

Entity

UNJSPF

Case Number(s)

2021-1624

Tribunal

UNAT

Registry

New York
Date of Judgement
23 Nov 2022
President Judge
Judge Raikos
Judge Colgan
Judge Sandhu
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Management Evaluation
Subject matter (ratione materiae)
Time limit
Jurisdiction / receivability (UNDT or first instance)
Management Evaluation
Applicable Law
UNAT Statute

- Article 2.1

UNDT Statute

- Article 8.1(c)

UNAT RoP

- Article 8.2

Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)

Related Judgments and Orders

2020-UNAT-1005
2016-UNAT-699
2016-UNAT-654
2013-UNAT-293
2015-UNAT-495
2014-UNAT-470