

UNDT/2022/070, Njagi

UNAT Held or UNDT Pronouncements

The Applicant contested the imposition of disciplinary and non-disciplinary measures following the completion of a disciplinary process thus, she was not required to request management evaluation as per staff rule 11.2(b). In accordance with art. 8.1(d)(ii), her application should have been submitted directly to the UNDT within 90 calendar days of her receipt of the administrative decision. The Applicant received the sanction letter/contested decision on 1 April 2022, which meant that she had to file her UNDT application on or before 30 June 2022 to be within the prescribed time limits. She did not, however, file an incomplete application until 7 July 2022 and a complete application until 24 July 2022, which was outside the timeframe stipulated by the UNDT Statute. The application was therefore deemed to be time-barred.

Decision Contested or Judgment/Order Appealed

The disciplinary measure of demotion with deferment, for a period of three years, of eligibility for consideration for promotion in accordance with staff rule 10.2(a)(vii) and administrative measures consisting of training concerning the procurement process and the use of Umoja. Further, the USG/DMSPC authorized the recovery of KES429,800 through deductions from the Applicant's salary, in accordance with staff rule 10.2(b).

Legal Principle(s)

Article 8.1(d)(ii) of the UNDT Statute stipulates that in cases where management evaluation of the contested decision is not required, an application shall be receivable if an application is filed within 90 calendar days of the applicant's receipt of the administrative decision.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Njagi

Entity

UNON

Case Number(s)

UNDT/NBI/2022/058

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

22 Jul 2022

Duty Judge

Judge Tibulya

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary measure or sanction

Disciplinary matters / misconduct

Applicable Law

Staff Rules

- Rule 10.3(c)
- Rule 11.2

UNDT Statute

- Article 8(d)(ii)