

UNDT/2023/020, Applicant

UNAT Held or UNDT Pronouncements

The Tribunal decided on its own initiative and in accordance with art. 9 of its Rules of Procedure, to adjudicate the present application by way of summary judgement.

The Tribunal noted that in accordance with art. 8.4 of the Tribunal's Statute and art. 7.6 of its Rules of Procedure, an application shall not be receivable if it is filed more than three years after the applicant's receipt of the contested administrative decision. The Applicant filed her application on 5 March 2023 indicating that the contested decision was made in October 1995, that is, more than 27 years earlier. Consequently, her application was not receivable, and the Tribunal did not have competence to review the merits of her claim.

Decision Contested or Judgment/Order Appealed

Decision to terminate the Applicant's permanent appointment with the United Nations.

Legal Principle(s)

Receivability is a condition sine qua non for judicial review by the Tribunal.

The examination of an application's receivability is a matter of law, which may be adjudicated without serving the application on the Respondent for a reply and even if not raised by the parties (see Christensen 2013-UNAT-335).

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2023/004

Tribunal

UNDT

Registry

New York

Date of Judgement

24 Mar 2023

Duty Judge

Judge Adda

Language of Judgment

English

Appeal Number

2013-UNAT-335

2014-UNAT-406

2013-UNAT-313

UNDT/2018/081

UNDT/2020/074

UNDT/2021/003

Issuance Type

Judgment

Categories/Subcategories

Termination (of appointment)

Applicable Law

UNDT RoP

- Article 26.2

UNDT Statute

- Article 11.6