

UNDT/2024/019, Bedi

UNAT Held or UNDT Pronouncements

The Applicant's Counsel's email of 12 June 2023 did not reset the time limit for allowing the Applicant to contest all of her supervisor's comments in her PER, nor was it capable of suspending the time limit, given that the Applicant's deadline for contesting all of her supervisor's comments expired before the discussion of 12 June 2023. And as was submitted, it was a proposal in the context of *inter partes* discussion that did not involve the Office of the Ombudsman.

Since the Applicant got the relief which she sought regarding the one aspect of the PER which she subjected to management evaluation, any further contests relating to the settled claim are moot.

Decision Contested or Judgment/Order Appealed

The Applicant contested some comments left by her supervisor in her Performance Evaluation Report.

Legal Principle(s)

"[W]here an Applicant has already received the relief requested, an application [seeking a remedy which has already been granted] is moot and should be dismissed" (see, *Rehman* 2017-UNAT-795, para. 21)

The Appeals Tribunal has consistently held that the purpose of management evaluation is "to afford the Administration the opportunity to correct any errors in an administrative decision so that judicial review of the administrative decision is not necessary" (see, for instance, *Farzin* 2019-UNAT-917, para. 40 and, similarly, *Applicant* 2013-UNAT-381, para. 37, and *Nastase* 2023-UNAT-13, para. 31)

“[C]learly identifying the administrative decision the staff member disagrees with is essential for this goal to be met” (see, *Farzin*, para. 40 and, similarly, *Applicant*, para. 37). It is therefore necessary for an applicant to state all relevant issues in the management evaluation request for the Administration to consider them as part of its management evaluation (see, *Nouinou* 2020-UNAT-981, para, 57, as well as *Nouinou* 2019-UNAT-902, para. 42).

The “time for challenging an administrative decision starts with the notification of that decision” (see, *Rahman* 2012-UNAT-260, *Chahrour* 2014-UNAT-406, and *O’Donnell* UNDT/2014/63).

It is firmly established that the deadline for requesting management evaluation cannot be waived by the Dispute Tribunal (see, art. 8.3 of its Statute and the Appeals Tribunal in, for instance, *Costa* 2010-UNAT-036; *Rosca* 2011-UNAT-133, *Ajdini et al* 2011-UNAT-108, *Dzuverovic* 2013-UNAT-338, and *Wu* 2013-UNAT-306/Corr.).

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Bedi

Entity

UNICEF

Case Number(s)

UNDT/NY/2023/026

Tribunal

UNDT

Registry

New York

Date of Judgement

12 Apr 2024

Duty Judge

Judge Tibulya

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Rules

- Rule 11.2(a)

UNDT Statute

- Article 2
- Article 8

Related Judgments and Orders

2017-UNAT-795

2019-UNAT-917

2013-UNAT-381

2020-UNAT-981
2019-UNAT-902
2012-UNAT-260
2014-UNAT-406
2010-UNAT-036
2011-UNAT-133
2011-UNAT-108
2013-UNAT-338
2013-UNAT-306-Corr.1