



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2017-1052

Ntuk

(Applicant)

v.

United Nations Joint Staff Pension Board

(Respondent)

ORDER No. 277 (2017)

1. On 28 November 2016, Mr. Udo Tommy Ntuk, a former staff member of the United Nations Industrial Development Organization (UNIDO) filed an application with the United Nations Dispute Tribunal (UNDT) in Nairobi contesting the decision not to conduct an investigation in relation to the alleged alteration of the United Nations Joint Staff Pension Fund (UNJSPF) instructions for payment of benefits that Mr. Ntuk submitted upon his retirement (Impugned Decision).
2. By Judgment on Receivability No. UNDT/2016/215 dated 6 December 2016, the UNDT rejected Mr. Ntuk's application finding that he had no *locus standi* before the UNDT and that "his case should properly be filed either with the [Administrative Tribunal of the International Labour Organization] or with the UNAT Registry".¹
3. On 5 January 2017, Mr. Ntuk filed a motion for a waiver of time to file his appeal together with his appeal against the Impugned Decision before the Appeals Tribunal. In support of his motion, he *inter alia* contends that it was not his fault "not to have filed this action on time", that he "did not sleep over his right but has continually taken steps to ensure the enforcement of his right" and that "it will be in the best interest of justice and fairness for the time to be extended to enable [him to] file his case and be heard on the merits".

¹ *Ntuk v. Secretary-General of the United Nations*, Judgment No. UNDT/2016/215, para. 14.

4. Under Article 7(3) of the Appeals Tribunal Statute, “[t]he Appeals Tribunal may decide in writing, upon written request by the applicant, to suspend or waive the deadlines for a limited period of time and only in exceptional cases”. Considering the totality of the circumstances of the present case, I decide to accept the appeal brief as filed by Mr. Ntuk on 5 January 2017 in the interest of justice.

IT IS HEREBY ORDERED that Mr. Ntuk’s motion for waiver of time limits IS GRANTED. The Registry is instructed to forward his appeal to the UNJSPF for an answer within the applicable time limit.

Original and Authoritative Version: English

Dated this 25th day of January 2017 in Port of Spain,
Trinidad and Tobago.

(Signed)
Judge Deborah Thomas-Felix,
President

Entered in the Register on this 25th day of
January 2017 in New York, United States.

(Signed)
Weicheng Lin, Registrar