



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2021-1555

Ratnanjali Venkata Koduru

(Applicant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 418 (2021)

1. On 14 May 2021, I issued Order No. 410 (2021) partially granting Ms. Koduru's request for extension of time limit to file her appeal for 60 days, and not for six months as requested, i.e., by 13 July 2021. I gave her 60 additional days on the strength of her representation that she has been declared disabled by the United Nations Joint Staff Pension Fund due to mental health issues, and that her health condition did not allow her to file her appeal within the time limit.

2. On 13 July 2021, Ms. Koduru filed another request for time limit extension to file her appeal. She states that she has done her best with the help of her doctors and friends to collect the needed evidence, of which she has gathered about 30 per cent, in preparation for her appeal, but each time she read the e-mails the manifestation of symptomatic phases would recur, causing a huge loss of the new time limit granted. Ms. Koduru requests to be granted two additional months in order for her to put together all the facts and present her appeal in a realistic way.

3. Having reviewed the new request for time limit extension, I find that Ms. Koduru's request seems to be an attempt to revise the previous Order, by which the extension was partially granted. As stated in the Appeals Tribunal's previous Order, it is understandable that, in her delicate situation, revisiting documents and notes is a considerable task that requires time and energy which can be a real challenge for a mentally disabled person. However, extensions of time cannot be granted without limits, leaving the potential Respondent forever tied up to the case file. Moreover, according to

our jurisprudence, issues which were not raised before the UNDT cannot be introduced for the first time on appeal, on pain of infringement of the two-tier principle of administration of justice.¹ This is why any attempt on Ms. Koduru's part to introduce any claim which was not presented to the UNDT is to no avail. On the other hand, according to Article 2(5) of the Appeals Tribunal's Statute, any piece of evidence which Ms. Koduru could possibly refer to must ordinarily have already been received by the UNDT. Last but not the least, if Ms. Koduru was unable to file an appeal because of her mental state, she could have assigned a power of attorney in order to comply with statutory time limits.

4. Having said that and considering the exceptional circumstances of the present case, I have decided to grant a further 30-day extension of time. No further extension request will be entertained.

IT IS HEREBY ORDERED that Ms. Koduru's request is partially **GRANTED**. She is to file her appeal within 30 days of the date of this Order, i.e., no later than Monday, 23 August 2021.

Original and Authoritative Version: English

Dated this 22nd day of July 2021
Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
President

Entered in the Register on this 22nd day
of July 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ *Ho v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-791, para. 37, citing *Haimour and Al Mohammad v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2016-UNAT-688, para. 38; *Staedtler v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-547, para. 25; and *Simmons v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-221, para. 61.