



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1689

Adrienne Batra

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 456 (2022)

1. On 1 September 2020, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in New York issued Judgment UNDT/2020/061 in the case of *Batra v. Secretary-General of the United Nations*, in which the UNDT rejected Ms. Batra's application contesting the decision not to renew her temporary appointment and to place her performance appraisal in her personnel file (the "impugned Judgment").
2. On 6 May 2022, Ms. Batra filed a request for suspension, waiver or extension to file an appeal, registered as Case No. UNAT-2022-1689. She says that she was hospitalized in 2017 and diagnosed with a psychological disorder. She is not familiar with the process and OSLA refused to assist her. In addition, she relies on the pandemic and "office shut-downs" which delayed her case. She also blames the United Nation's response times which aggravated her condition and receiving the result of her investigation during holidays. Finally, she says her performance evaluation was not done by "English speakers", and her supervisor lied to the UNDT and in official documents.
3. Article 7(1) of the Appeals Tribunal Rules of Procedure (Rules) provides that "(a)pppeals instituting proceedings shall be submitted to the Appeals Tribunal through the Registrar within: (a) 60 calendar days of the receipt by a party appealing a judgement of the Dispute Tribunal; (b) 30 calendar days of the receipt by a party appealing an interlocutory order of the Dispute Tribunal ..." Article 7(2) of the Rules provides that "(i)n exceptional cases, an appellant may submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1".

Finally, Article 30 of the Rules provide that “[s]ubject to article 7.4 of the statute of the Appeals Tribunal, the President or the panel hearing a case may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so require”.

4. However, Article 7(4) the Statute of the United Nations Appeals Tribunal provides that “an application shall not be receivable if it is filed more than one year after the judgement of the Dispute Tribunal”.

5. The impugned Judgment was issued over 20 months ago, or 18 months beyond the appeal deadline and contrary to Article 7(4) of the Statute. Therefore, the appeal is not receivable. Further, there is an inordinate delay and insufficient justification to allow the extension of time requested. Ms. Batra relies on her medical condition but provides no support on whether this condition completely disabled her or a representative from filing an appeal for 18 months. She says she is not familiar with the process, however parties are clearly provided with information on how to appeal and she obviously contacted OSLA who would have at minimum advised her the deadline for appeal even if they refused to represent her. Therefore, the lack of familiarity of the process¹ is not sufficient justification to extend the appeal deadline in this instance. The interests of justice do not require an extension of the appeal deadline by this significant amount of time. Rather, the interest of justice requires there be finality in the process and reopening this matter so long after the fact would lead to unfairness and injustice to everyone involved.

IT IS HEREBY ORDERED that Ms. Batra’s request is **DENIED**.

Original and Authoritative Version: English

Dated this 16th day of May 2022 in
Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
Judge

Entered in the Register on this 16th day
of May 2022 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ *Amany v. Secretary-General*, Judgment No. 2015-UNAT-521, para. 18, quoting *Kissila v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-470, para. 24.