



Before: Judge Margaret Tibulya

Registry: Geneva

Registrar: René M. Vargas M.

LAWANI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

SUMMARY JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Adrien Meubus, UNOG

Introduction

1. The Applicant, a former staff member of the Office of the High Commissioner for Human Rights (“OHCHR”) contests the decision not to extend his temporary appointment beyond 31 December 2021.
2. For the reasons set out below, the Tribunal decides to reject the application.

Facts

3. On 18 June 2021, OHCHR advertised a temporary job opening for the post of Statistician at the P-3 level. The vacancy included a special notice indicating that the position was “temporarily available for a period of five months”. The Applicant applied and was selected for the position.
4. Effective 27 September 2021, the Applicant was granted a temporary appointment as a Statistician (P-3 level) in OHCHR for a period of three months and five days until 31 December 2021, when he separated from the Organization.
5. On 17 March 2023, the Applicant filed the application referred to in para. 1 above. He requests as a remedy to order the Respondent to extend his temporary appointment for two months in line with the special notice in the vacancy announcement.
6. On 15 April 2023, the Applicant requested management evaluation of the contested decision.
7. On 2 May 2023, the Respondent filed a motion requesting the Tribunal to consider receivability as a preliminary matter and to suspend the deadline to file the Respondent’s reply pending the Tribunal’s adjudication of his motion.

Consideration

The Respondent’s motion

8. Article 9 of the Tribunal’s Rules of Procedure provides that “[a] party may move for summary judgement when there is no dispute as to the material facts of

the case and a party is entitled to judgement as a matter of law. The Dispute Tribunal may determine, on its own initiative, that summary judgment is appropriate”.

9. Based on the law (art. 9 of its Rules of Procedure) and the parties’ submissions, the Tribunal hereby grants the Respondent’s motion to determine receivability as a preliminary issue and decides to dispose of the present matter by way of summary judgment (see *Chahrour* 2014-UNAT-406; *Gehr* 2013-UNAT-313; *Cherneva* UNDT/2018/081; *Cherneva* UNDT/2020/074 and *Cherneva* UNDT/2021/003).

Receivability

10. It is now established that receivability of an application is a condition *sine qua non* for judicial review by the Tribunal.

11. The Respondent submits that the application is not receivable *ratione materiae* because the Applicant did not submit a timely request for management evaluation of the impugned decision.

12. An application is receivable if an “applicant has previously submitted the contested administrative decision for management evaluation, where required” (art. 8.1(c) of the Tribunal’s Statute).

13. Staff rule 11.2(c) provides that a request for management evaluation shall not be receivable “unless it is sent within 60 calendar days from the date on which the staff member received notification of the administration decision to be contested”.

14. The Dispute Tribunal may only review decisions that have been the subject of a timely request for management evaluation (see *Khan* 2022-UNAT-1284, para. 52).

15. The Applicant does not contest the fact that he became aware of the contested decision at the latest on 31 December 2021, when he separated from service, and that he requested management evaluation of the contested decision on 15 April 2023, more than a year after the statutory deadline.

16. To justify the delayed submission of his request for management evaluation, the applicant points to his medical condition. The Tribunal is however not competent to “suspend or waive deadlines for management evaluation” (art. 8.3 of its Statute; see *Diallo* 2019-UNAT-936, para. 27 and *Khan* 2015-UNAT-559, para. 25).

17. The Appeals Tribunal has consistently held that “time limits in the context of the administration of justice in the United Nations’ internal justice system must be observed and strictly enforced” (see *Lolo Mkhabela* 2022-UNAT-1289, para. 34).

18. Accordingly, the Tribunal finds that the Applicant’s request for management evaluation was time-barred. This application is therefore not receivable *ratione materiae*.

Conclusion

19. In view of the foregoing, the Tribunal DECIDES to reject the application as not receivable.

(Signed)

Judge Margaret Tibulya

Dated this 19th day of May 2023

Entered in the Register on this 19th day of May 2023

(Signed)

René M. Vargas M., Registrar, Geneva