



Before: Judge Thomas Laker

Registry: Geneva

Registrar: René M. Vargas M.

GEHR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON EXTENSION OF TIME TO
FILE RESPONDENT'S REPLY**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Bettina Gerber, UNOG

Simon Buettner, UNOG

Introduction

1. The Applicant is a former staff member of the United Nations Office on Drugs and Crime. He filed an application on 5 November 2013, challenging the processes and administrative procedures undertaken by the Organization in finalising his performance appraisal for the period 1 April to 31 December 2011.
2. The application was served on the Respondent on 7 November 2013, with the instruction to file a reply on Monday, 9 December 2013.
3. On 4 December 2013, the Respondent filed a motion for extension of time by one week, in which to submit his reply. The grounds relied upon by the Respondent in his motion were the “heavy workload of the Legal Unit is currently facing”.
4. The Applicant on the same date filed a motion requesting the Tribunal to reject the Respondent’s motion because the failure of the Respondent to secure sufficient resources did not justify the granting of an extension of time.

Consideration

5. Pursuant to art. 35 of its Rules of Procedure, the Tribunal may extend a time limit fixed by the rules of procedure if, it is in the interest of justice. The Tribunal recalls that the Respondent’s workload is not, an exceptional circumstance for extending a party’s statutory time limits (See *Harding* Order No. 44 (UNAT/2011)).
6. This Tribunal further recalls an order rendered only three weeks from today in which the Respondent’s Counsel was clearly informed that “[...] the Respondent’s workload is not, as a matter of principle, a reason to grant an extension of time, since it is the Administration’s responsibility to allocate sufficient resources to ensure that it can meet the statutory time limits before this Tribunal.” (See *Jansen* Order No. 178 (GVA/2013)).

7. Therefore, the Respondent may not expect to be granted on a regular basis an extension of time on grounds of heavy workload. Without specification of particular and extraordinary circumstances, no exceptions from the statutory time limits can be justified.

IT IS ORDERED THAT:

8. The Respondent's motion is rejected; and

9. The Respondent shall file his reply to the application by **Monday, 9 December 2013.**

(Signed)

Judge Thomas Laker

Dated this 5th day of December 2013

Entered in the Register on this 5th day of December 2013

(Signed)

René M. Vargas M., Registrar, Geneva