



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/008

Order No.: 007 (NBI/2023)

Date: 9 January 2023

Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KHAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
MOTION FOR AN EXTENSION OF
TIME TO FILE AN APPLICATION**

Counsel for the Applicant:

Salim U. Shaikh

Counsel for the Respondent:

Matthias Schuster, UNICEF

Introduction

1. The Applicant filed a motion on 8 January 2023, seeking an extension of time until 31 January 2023 to file an application to contest a decision by the United Nations Children’s Fund (“UNICEF”) to impose on him the disciplinary measure of dismissal, in accordance with staff rule 10.2(a)(ix).

Considerations

2. The Tribunal rejects the Applicant’s motion for extension of time for the reasons set out below.

3. Pursuant to art. 8.3 of the UNDT Statute, the 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.”

4. The Applicant’s reason for requesting an extension of time is that he has had several hardships in collecting information/evidence. These hardships have been further compounded by the communication/network breakdown in parts of Pakistan caused by major flooding. He also claims that he has only managed to obtain access to legal representation and that his Counsel requires the additional time to properly prepare and submit his application to the Tribunal.

5. The Tribunal does not find the reasons advanced by the Applicant to be exceptional as required by art. 8.3 of the Statute. Rather, they are generic and unsubstantiated. The Applicant does not provide any documentary evidence that he is affected personally by the flooding in some parts of Pakistan. Additionally, he has been on notice of the charges since August 2022 and of the disciplinary measure since October 2022 but took no action until now to retain legal representation.

6. Also, since the Applicant did not offer any support for his claim that he received the contested decision, which is dated 10 October 2022, on 26 October 2022, the

Tribunal is not convinced that the Applicant's deadline to file an application has not already lapsed.

ORDERS

7. The motion for an extension of time to file an application is refused.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 9th day of January 2023

Entered in the Register on this 9th day of January 2023

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi