

- (ii) They never “received any employee termination advice note telling [them] that [they had] two months to appeal from the date of the receipt, let alone on what staff rule [they] could make such an appeal”.

14. The Respondent’s principal contentions are:

- (i) The appeal is not receivable as the Applicants failed to submit a request for administrative review within the two months specified in former staff rule 111.2(a) or to file a request for management evaluation within the sixty calendar days specified in provisional staff rule 11.2;
- (ii) As upheld by the Tribunal in judgment UNDT/2009/51, Costa, the Tribunal does not have jurisdiction to waive the deadlines for the filing of requests for administrative review pursuant to former staff rule 111.2(f);
- (iii) Even if the Tribunal were to consider that it has jurisdiction to waive the time limits specified in former staff rule 111.2(a) pursuant to former staff rule 111.2(f), there are no exceptional circumstances in the cases at hand that would warrant such waiver;
- (iv) The Applicants’ ignorance of the time limits for appeal does not constitute “exceptional circumstances”;
- (v) Pursuant to article 8.3 of the UNDT statute, the Tribunal does not have authority to suspend or waive the deadlines for management evaluation;
- (vi) The former United Nations Administrative Tribunal (UNAT)

23. It follows from the foregoing that the time limits in the United Nations justice system are neither unique nor exceptionally restrictive. 60 calendar days to request administrative review (see provisional staff rule 11.2 (c), Management evaluation) and 90 calendar days to file an appeal before the Tribunal (see article 8, paragraph 1 (d) (i) a. and b., of the UNDT statute) remain, compared to other national and international jurisdictions, within a reasonable frame.

24. Time limits not only exist, but have also been upheld by judicial review. Thus, the International Labour Organisation Administrative Tribunal (ILOAT) held in its judgment No. 2722 (2008):

“As the Tribunal has repeatedly stated, for example in Judgments 602, 1106, 1466 and 2463, time limits are an objective matter of fact and it should not entertain a complaint filed out of time, because any other conclusion, even if founded on considerations of equity, would impair the necessary stability of the parties’ legal relations, which is the very justification for a time bar. As recalled in Judgment 1466, the only exceptions to this rule that the Tribunal has allowed are where the complainant has been prevented by vis major from learning of the impugned decision in good time (see Judgment 21), or where the organisation by misleading the complainant or concealing some paper from him or her has deprived that person of the possibility of exercising his or her right of appeal, in breach of the principle of good faith (see Judgment 752).”

25. In the same spirit, the World Bank Administrative Tribunal stated in its decision No. 151 (1996):

“In Agerschou (Decision No. 114 [1992], para. 42), the Tribunal emphasized the importance of the time limit prescribed by Article II of the Statute ‘for a smooth functioning of both the Bank and the

Cases No. UNDT/GVA/2009/99, 100, 101,
102 & 103

Judgment No. UNDT/2010/019

