
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/083
Order No.: 144 (NY/2019)
Date: 18 October 2019
Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

MALHOTRA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON MOTION FOR EXTENSION OF
TIME TO FILE AN APPLICATION**

Counsel for Applicant:
Monika Bileris

Counsel for Respondent:
UNICEF

Introduction

1. On 18 October 2019, the Applicant filed a motion for extension of time to file an application before the Dispute Tribunal in respect of a decision to impose a disciplinary sanction against her, which was notified to her on 2 August 2019. The deadline for filing an application before the Dispute Tribunal is therefore 31 October 2019, and the Applicant is seeking an extension of time for 21 additional days, that is, until 21 November 2019.

2. The Applicant contends that after she received the contested decision of 2 August 2019, she approached the Office of Staff Legal Assistance (OSLA) on 7 August 2019, which had assisted her during the course of the investigation. The Applicant submits that she was only able to meet a counsel from OSLA on 23 August 2019 and, on 10 September 2019, OSLA told her that it could not represent her. In the meantime, throughout the months of August, September and October 2019, several members of the Applicant s close family had serious health issues which required her attention. The Applicant retained a private counsel on 17 October 2019, but they have only had limited time to discuss her case, review her extensive case file, and prepare an application.

Considerations

3. Article 8.3 of the Dispute 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 . Article 7.5 of the Dispute Tribu reiterates that in exceptional cases an applicant may request a suspension, waiver or extension of the time limits for filing an application. Article 7.5 further states that any such request shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request.

4. It is well established jurisprudence that the Tribunal may only suspend or waive the deadlines for filing an application in exceptional circumstances (see, for instance, *Osman* 2011-UNAT-147, *Christensen* 2012-UNAT-218 and *Rüger* 2016-UNAT-693). The Appeals Tribunal held in *El-Kathib* 2010-UNAT-029 that only pursuing leg such a waiver.

5. Considering the Applicant's submission, the Tribunal is satisfied that exceptional circumstances exist in this case.

IT IS ORDERED THAT:.

6. Motion for extension of time to file an application is granted, and the Applicant shall file her application, if any, on or before 06/15/2019. (see -0.156 Tc[IT