

UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2020/024
UNDT/NBI/2020/062
UNDT/2020/200
Date: 3 December 2020
Original: English

Before: Judge Margaret Tibulya
Registry: Nairobi
Registrar: Abena Kwakye-Berko

ASLAM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

Case Nos.: UNDT/NBI/2020/024

UNDT/NBI/2020/062

13. The Respondent argues that:
- a. the application is not receivable *ratione materiae* under staff rule 11.2(c) and art. 8.1(c) of the UNDT Statute since the Applicant did not request management evaluation of the 6 June 2019 decision to reject his 26 May 2019 ~~claim, insert it~~ ^{4 614f2246 Tf.04010} it rule
 - b. it is also not receivable *ratione materiae* as moot.
14. Art 8.1(c) of the UNDT Statute provides that an application shall be receivable if the Applicant has previously submitted the contested administrative decision for management evaluation, where required.
15. Staff rule 11.2(c) provides that a request for a management evaluation shall not be receivable by the Secretary-General unless it is sent within 60 calendar days 062

and was addressed to a number of senior officials of different offices and divisions and covering a range of issues (

Whether the application is not receivable *ratione materiae* as moot.

24. The Respondent maintains that there is no longer a live issue upon which the Tribunal is competent to pass judgment as relief, since the Applicant is requesting the Tribunal to remand his case to the ABCC to make a new determination. As the ABCC reconsidered the Applicant's claim on 31 January 2020, he has been granted the relief he requested.

25. The Tribunal determines that there is a live issue upon which it is competent to pass judgment, given that the ABCC on all occasions only considered the issue of receiving

