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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2009/110

Judgment No.: UNDT/2009/055

Date: 28 October 2009

Original: English

Before: Judge Memooda Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

BHATIA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON REQUEST FOR
EXTENSION OF TIME TO FILE REPLY

Counsel for applicant: Nabil Abdel-AI

Counsel for respondent: Steven Dietrich, ALU

BACKGROUND

1. On 7 May 2009, the Deputy Secretary General wrote to the applicant stating that no further action will be taken by the Secretary General on his appeal pursuant to the findings and conclusions of the Joint Appeals Board that his appeal before it was not receivable, nor successful on the merits.

2. The applicant having decided to appeal the Secretary General's decision, made an application for an extension of time until 7 September 2009 to lodge his appeal with the United Nations Dispute Tribunal (Dispute Tribunal).

3. The Dispute Tribunal granted the applicant an extension of time on 6 August 2009, for him to file his appeal on or before 8 September 2009.

4. The applicant duly complied by filing his application on 27 August 2009, which application was only served upon the respondent by the Registry on 18 September 2009, advising the respondent to file its reply by no later than 5:00 p.m., 19 October 2009.

5. On 19 October 2009, the respondent failed to file its reply. Instead, at 9:00 p.m., after close of business day, the Dispute Tribunal received a request for an extension of time until 26 October 2009 to file the respondent's reply.

6. Although the respondent's application was filed on 19 October 2009, it was only brought before me on Monday 26 October 2009, on which date the respondent had already filed a reply which was clearly out of time, before I Tj E2D on MoID 1 /TT2 1 Tf le thgh t

ANALYSIS

11. The respondent has purported to file its reply a week late. That is not an inordinate delay. The applicant was granted an extension of a month to file his application. In his application, he raises numerous issues going back as far as 1998. The issues raised are important and have severe consequences as some of the relief the applicant claims dates back January 1996. No doubt the respondent requires time to file its pleadings. I see possible prejudice to the applicant and essentially it is a matter of fairness to hold that the Tribunal has all relevant

IT IS ORDERED THEREFORE THAT

- A. The respondent is hereby granted leave to take part in these proceedings;
- B. The submission filed on 26 October 2009 shall stand on record as a duly constituted reply.

(Signed)

Judge Memooda Ebrahim-Carstens

Dated this 28th day of October 2009

Entered in the Register on this 28th day of October 2009

(Signed)

Hafida Lahiouel, Registrar, New York