





which he expressed his concerns regarding the upcoming changes in the Engineering Section and detailed his achievements over 11 years with UNMIK.

8. On 9 March 2011, Mr. Tetova was informed via e-mail that his appointment would be ending on 30 June 2011. On 23 June 2011, Mr. Tetova sent a request for management evaluation and, on 27 June 2011, he filed an application with the UNDT to suspend the non-renewal of his contract. In the Judgment under appeal, the UNDT found Mr. Tetova's suspension request not receivable as time-barred, as he had failed to submit a request for management evaluation within the mandatory time limit.

### **Submissions**

#### **Mr. Tetova's Appeal**

9. Mr. Tetova submits that the UNDT erred in fact by not taking into consideration the communications between him and the CMS in which he was contesting the fairness of the staff reduction process and the validity of the statements that were made to him.

10. Mr. Tetova also submits that the UNDT should have taken the memorandum that the Special Representative of the Secretary-General had sent to him concerning the downsizing of UNMIK into consideration as it showed that the process was "Non-Transparent, Suspicious and Unfair".

11. Mr. Tetova further submits that the urgency with which the UNDT issued its Judgment resulted in irreparable damage to his case which was still pending before the Management Evaluation Unit.

#### **Secretary-General's Answer**

12. The Secretary-General submits that Mr. Tetova's appeal is not receivable as Article 2(2) of the UNDT Statute states that a judgment issued following a request for suspension of action, "during the pendency of the management evaluation [...] shall not be subject to appeal".

13. The Secretary-General further submits that the Dispute Tribunal acted fully within its competence in deciding not to suspend the non-renewal of his contract due to the fact that his request for management evaluation was time-barred.





Original and Authoritative Version: English

Dated this 29<sup>th</sup> day of June 2012 in Geneva, Switzerland.

*(Signed)*

Judge Garewal, Presiding

*(Signed)*

Judge Simón

*(Signed)*

Judge