



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

REHMAN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**SUMMARY JUDGMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

UNHCR

## **Introduction**

1. On 31 March 2021, the Applicant, a staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”) filed an incomplete application contesting the decision not to amend his date of birth in his employment record.
2. Following several communications with the Registry, the Applicant completed his application on 14 May 2021.

## **Facts**

3. The Applicant, a local staff member of UNHCR in Peshawar, Pakistan, indicates that his date of birth was wrongly recorded in his National Identity Card as 1956 and that, following civil proceedings in Pakistan, this date was officially corrected.
4. The evidence shows that by a judgment rendered on 25 June 2019, a Civil Court in Peshawar decided to correct the Applicant’s date of birth from 1956 to 5 February 1963.
5. According to the Applicant, in August 2019, he requested UNHCR Administration in Peshawar to amend his employment record but his request was rejected on 1 October 2019.

## **Consideration**

6. The only issue at stake in the case at hand is whether the application is receivable, as receivability is a condition *sine qua non* for judicial review by the Tribunal.
7. Indeed, the examination of an application’s receivability is a matter of law, which may be adjudicated without serving the application on the Respondent for a reply and even if not raised by the parties (see *Christensen* 2013-UNAT-335). Accordingly, the Tribunal deems it appropriate, on its own initiative and in accordance with art. 9 of its Rules of Procedure, to decide on the present application

by way of summary judgment, which has been accepted as an appropriate means to deal with issues of receivability (see *Chahrour* 2014-UNAT-406; *Gehr* 2013-UNAT-313; *Cherneva* UNDT/2018/081; *Cherneva* UNDT/2020/074 and *Cherneva* UNDT/2021/003).

8. The Tribunal notes that the Applicant indicated in his application that he was informed of the contested decision on 1 October 2019 and that he has not requested management evaluation of said decision. The Tribunal recalls that the requirement of management evaluation is set out in staff rule 11.2 and that in accordance with art. 8.1(c) of the Tribunal's Statute, an application is receivable if an applicant "has previously submitted the contested administrative decision for management evaluation, where required".

9. Therefore, in the absence of the mandatory request for management evaluation, the present application is not receivable.

10. Furthermore, the Tribunal recalls that the Applicant contested the same decision in Case No. UNDT/GVA/2019/076 in which the Tribunal informed the Applicant by Order No. 3 (GVA/2020) of the need to request management evaluation.

### **Conclusion**

11. In view of the foregoing, the Tribunal DECIDES to dismiss the present application.

*(Signed)*

Judge Teresa Bravo

Dated this 14<sup>th</sup> day of July 2021

Entered in the Register on this 14<sup>th</sup> day of July 2021

*(Signed)*

René M. Vargas M., Registrar, Geneva