

# UNDT/2009/046, Ilic

## UNAT Held or UNDT Pronouncements

The time limit for appeal runs from the date on which the appellant receives the Secretary General's response to her request for review. If the Administration maintains that it received it before the date indicated by the Applicant, it is up to the Administration to provide proof thereof. The minutes of the sessions held by the Appointments, Promotions, and Assignments Committee are documents allowing the judge to verify the procedure followed by the Commission. To obtain the annulment of a decision refusing promotion, the Applicant must establish either that the list of promotions was taken following an irregular procedure, or that, without the errors made during the examination of his career professional, she would have had a real chance of getting a promotion. The judge then examines whether the erroneous information on which the Commission relied was such as to cause the Applicant to lose a chance of being promoted. The length of service in a class of a UNHCR official who has left the High Commission and then returned is determined by the content of the contract which reinstates him. In the silence of the contract, the years completed prior to the effective date of the new contract are not taken into account. The application is rejected.

## Decision Contested or Judgment/Order Appealed

The Applicant contests HCR High Commissioner's refusal to promote him to P-4.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ilic

Entity

UNHCR

Case Number(s)

UNDT/GVA/2009/019

Tribunal

UNDT

Registry

Geneva

Date of Judgement

15 Oct 2009

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Applicable Law

Staff Rules

- Rule 104.3