

UNDT/2009/047, Joshi

UNAT Held or UNDT Pronouncements

When a time limit for filing an appeal expires on a Sunday, the appeal presented on the following Monday is admissible. Since, neither in his introductory appeal nor by subsequent briefs or orally at the hearing, the applicant made explicit reference to the arguments contained in the request for review which he made to the Secretary-General, the judge confines itself to examining the arguments expressly raised. While it is up to the judge to rule on the regularity of promotion procedures and on factual errors made by the administration, it is not for him to take the place of the High Commissioner in assessing the merits of officials. Thus, the control that the judge exercises over the appropriateness of the choice of the High Commissioner is limited to a manifest error of assessment. 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

Joshi

Entity

UNHCR

Case Number(s)

UNDT/GVA/2009/021

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)