

UNDT/2009/086, Planas

UNAT Held or UNDT Pronouncements

Since the Applicant only pointed out that the non-implementation of the indicated provision had restricted her options to be selected for posts in some duty stations, she failed to identify any such administrative decision. The Tribunal stressed that a selection process involves a series of steps which lead to an administrative decision. It stated that only if the Applicant contested the outcome of a selection process for a specific post (the administrative decision), would the Tribunal be competent to hear and pass judgement on her application.

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of UNHCR, contested the “[non-implementation of] paragraph 48 a)” of the APPB Procedural Guidelines in her case. The Tribunal issued an order requesting her to specify in clear terms the administrative decision that she contested in her application. The parties were also informed that the Tribunal intended to decide on the case by summary judgment if the Applicant failed to provide the requested information. The Applicant replied to the Tribunal order but only referred to a number of posts she had been interested in.

Legal Principle(s)

The Tribunal’s jurisdiction is – under art. 2.1 (a) UNDT Statute – restricted to ‘administrative decisions’. The Tribunal deemed that an administrative decision can only be considered as such if – inter alia – it has direct legal consequences on an individual’s rights and/or obligations.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Planas

Entity

UNHCR

Case Number(s)

UNDT/GVA/2009/053

Tribunal

UNDT

Registry

Geneva

Date of Judgement

9 Dec 2009

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Applicable Law

UNDT RoP

- Article 9

UNDT Statute

- Article 7

Related Judgments and Orders

UNDT/2009/077