

# UNDT/2010/013, Pellet

## UNAT Held or UNDT Pronouncements

Paragraph 19 of the APPC Procedural Regulations of June 2006 states that only staff members who have served for a minimum of one year in their post are eligible to apply for vacancies. The Applicant claims that the contested decision dated 29 February 2008 to appoint 12 staff members to vacant posts affects his rights since these vacant posts were not advertised. However, in accordance with the above-mentioned provision, at the time the 12 staff members were appointed, the Applicant was not eligible to any of these posts as he had been appointed only in September 2007. Therefore, without it being necessary to rule on whether the application is time-barred or not, the application must be deemed as non-receivable since the contested decision does not affect the Applicant's rights as derived from his terms of appointment. Outcome: The application is rejected.

## Decision Contested or Judgment/Order Appealed

The Applicant contests the decision dated 29 February 2008 of the Deputy High Commissioner to appoint 12 staff members to vacant posts. The Applicant, who had been appointed to a new post in September 2007, was not an eligible candidate to the vacant positions since only staff members who had served for a minimum of one year in their post would be eligible to apply for vacancies.

## Legal Principle(s)

N/A

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Pellet

## Entity

UNHCR

## Case Number(s)

UNDT/GVA/2009/064

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

26 Jan 2010

## Duty Judge

Judge Cousin

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

## Applicable Law

UNDT Statute

- Article 2