

# UNDT/2010/050, Kaddoura

## UNAT Held or UNDT Pronouncements

From the moment that the new Executive Secretary took up his functions at ESCWA, the Deputy Executive Secretary was no longer competent to decide, on 8 August 2007, to reassign the Applicant. Indeed, there is no documentary evidence that he had received delegation of authority from the Executive Secretary to take the contested decision, which is thus illegal. However, on 16 August 2007, the Executive Secretary confirmed the decision taken on 8 August 2007 by his Deputy. This new decision is legal but it does not have the effect of regularizing ex post facto the decision of 8 August 2007. Outcome: The Tribunal decided to rescind the decision of 8 August 2007 taken by the Deputy Executive Secretary and to order the Administration to pay the Applicant an amount corresponding to the SPA she should have received during the period from 8 to 16 August 2007.

## Decision Contested or Judgment/Order Appealed

As of July 2006, the Applicant (Administrative Assistant at the G-6 level) was granted an SPA to the P-2 level as Associate Human Resources Officer in the Office of the Executive Secretary (OES). The Deputy Executive Secretary was temporarily appointed as Officer-in-Charge, ESCWA, as of June 2007 following the departure of the former Executive Secretary. Effective 1 August 2007, a new Executive Secretary was appointed. The Executive Secretary effectively took up his functions at ESCWA on 8 August 2007. The same day, the Deputy Executive Secretary informed the Applicant of his decision to reassign her to the Administrative Service Division, as Administrative Assistant at the G-6 level, which resulted in the discontinuance of her SPA with immediate effect. He stated that a review of the functions of staff members in OES indicated that her functions were no longer needed. On 16 August 2007, the newly appointed Executive Secretary confirmed the authority of the Deputy Executive Secretary over ESCWA administrative matters, including the re-assignment of the Applicant.

## Legal Principle(s)

N/A

## Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Kaddoura

Entity

ESCWA

Case Number(s)

UNDT/GVA/2009/061

Tribunal

UNDT

Registry

Geneva

Date of Judgement

29 Mar 2010

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Reassignment or transfer

Discretion

Applicable Law

Administrative Instructions

- ST/AI/2006/3/Rev.1

Staff Regulations

- Regulation 1.2