

UNDT/2010/100, Iskandar

UNAT Held or UNDT Pronouncements

Since he remained a WFP staff member and pursuant to the above-mentioned Inter-Organization Agreement, the applicant never had a contractual relationship with UNAMID. Only WFP was in a position to render decisions that could affect his terms of appointment. Two decisions were at stake. With respect to the first (WFP decision not to treat him as a D-1), his case could not be heard before UNDT because WFP has recognised ILOAT as judicial review body. Concerning the second (UNAMID decision not to appoint him as Deputy Director), the applicant is not a “staff member” within the meaning of art. 3 UNDT Statute. This provision gives access to UNDT only to staff members of those entities of the UN common system that have recognized UNDT as judicial review body. With respect to the UNAMID selection procedure, the applicant had to be considered as an external candidate. Outcome: The application was rejected.

Decision Contested or Judgment/Order Appealed

The applicant, a P-5 staff member of WFP, was loaned under a reimbursable loan agreement to UNAMID, where he worked as a Principal Officer on a post he considered to be at the D-1 level. Later on, he was also selected by UNAMID for a Deputy Director post at the D-1 level, but he never received a letter of appointment from UNAMID. Having unsuccessfully tried to clarify his contractual situation, he requested a management evaluation, which upheld the decision not to appoint him as Deputy Director at the D-1 level.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Iskandar

Entity

WFP

Case Number(s)

UNDT/GVA/2010/076

Tribunal

UNDT

Registry

Geneva

Date of Judgement

1 Jun 2010

Duty Judge

Judge Laker

Language of Judgment

French

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

Applicable Law

UNDT Statute

- Article 2.1
- Article 3.1