

# UNDT/2010/195, Aly, et al.

## UNAT Held or UNDT Pronouncements

The Secretary-General's decision to allow the applicants to resubmit their cases to the CAC within 90 days was reasonable and fair. The CAC is the legitimate and appropriate body to hear the applicants' request for a review of a reclassification decision. In view of the JAB's report, the lack of information provided during the period in question and the respondent's silence in explaining the delays in the period from 2000-04, the Tribunal finds that compensation for the excessive delay in responding to the original request for reclassification is warranted, as is compensation for the breach of the applicants' procedural rights. Outcome: Specific performance: cases remanded to CAC for classification decisions on the proviso that each applicant submits their case for review within sixty days of the date the judgment becomes executable; and for all cases submitted within this period, the CAC shall render decisions within 180 days of the date this judgment becomes executable. Compensation: USD20,000 awarded to each of the applicants for excessive delays and procedural non-compliance.

## Decision Contested or Judgment/Order Appealed

Following a protracted classification review process, the applicants contested the decision of the Secretary-General to refer the matter back to the classification review committees (CAC) and not to award compensation for delays.

## Legal Principle(s)

N/A

## Outcome

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Aly, et al.

## Entity

UN

## Case Number(s)

UNDT/NY/2010/035/UNAT/1681

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

29 Oct 2010

## Duty Judge

Judge Kaman

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Classification (post)

Compensation

## Applicable Law

Administrative Instructions

- ST/AI/1998/9

Former Staff Rules

- Rule 112.3

UN Administrative Tribunal Statute

- Article 10.1

UNDT Statute

- Article 10.2
- Article 10.5
- Article 10.6

## Related Judgments and Orders

UNDT/2010/098

UNDT/2010/001

UNDT/2010/126

UNDT/2010/040

UNDT/2010/089

UNDT/2010/148