

UNDT/2011/105, Al-Mulla

UNAT Held or UNDT Pronouncements

Management evaluation: Claims against decisions that have not been the subject of a request for management evaluation are not receivable before the Tribunal. An applicant may not seek any rulings or relief in relation to these decisions. The events surrounding them may be part of the factual matrix of the application but they are peripheral at best. Project document: There is no mandatory requirement in the rules or any Administrative Instructions for a project document to be finalised prior to the responsible staff member taking up the project post. Authority for lateral transfers under ST/AI/2006/3: This Administrative Instruction concerns the staff selection system and sets out the procedures applicable from the beginning to the end of the selection process. However paragraph 2.4, which is derived from staff regulation 1.2(c), expressly reserves the authority to laterally transfer staff members to the head of department. Authority to withdraw a lateral transfer: A decision to withdraw a reassignment is within the broad discretion of the head of department. Outcome: Application rejected on the merits

Decision Contested or Judgment/Order Appealed

The Applicant accepted a lateral transfer at the P-4 level from Vienna to Abu Dhabi; however, some eight months after the offer was made to him and some six months after he formally accepted it, the Applicant had still not relocated to Abu Dhabi. Despite repeated requests by the Respondent that he should take up his post without delay, he kept raising various issues and postponing his departure. Eventually, the Respondent decided to withdraw the decision to laterally reassign the Applicant. He contests the latter decision.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Al-Mulla

Entity

UNODC

Case Number(s)

UNDT/GVA/2009/109

Tribunal

UNDT

Registry

Geneva

Date of Judgement

21 Jun 2011

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Reassignment or transfer

Discretion

Applicable Law

Administrative Instructions

- ST/AI/2006/3

Staff Regulations

- Regulation 1.2(c)

Staff Rules

- Rule 1.2(a)