

UNDT/2011/127, Massabni

UNAT Held or UNDT Pronouncements

The Tribunal finds that the Administration erred in considering that no classification decision had been taken. It further finds that the Applicant duly followed the procedure foreseen in ST/AI/1998/9 and that she was deprived of her right to a remedy. Turning to the question whether such breach resulted in loss of a chance to have her post classified at the P-4 level, the Tribunal considers that the Applicant has not shown that she suffered any actual material harm, given the uncertainty surrounding a possible approval of the new budgetary post by OPPBA and the General Assembly. However, it awards her USD3,000 in moral damages. Awarding compensation: Compensation may be awarded only where there is a link between the unlawfulness of the contested decision and the harm suffered by the Applicant. Compensation for material damage: Material damages may be awarded only if the damage is actual/certain.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to reclassify her post at the P-4 level.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Massabni

Entity

UNCTAD

Case Number(s)

UNDT/GVA/2010/106

Tribunal

UNDT

Registry

Geneva

Date of Judgement

12 Jul 2011

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Special Post Allowance

Classification (post)

Compensation

Loss of chance

Non-pecuniary (moral) damages

Applicable Law

Administrative Instructions

- ST/AI/1998/9

Related Judgments and Orders

UNDT/2010/165