

UNDT/2011/142, Gehr

UNAT Held or UNDT Pronouncements

The Tribunal finds that the restructuring constituted a valid exercise of the Respondent's discretionary authority, that the Applicant's post was not abolished as he was in fact reassigned against the same budgeted post, and that his reassignment was lawful. Definition of a "post": A "post" may be defined as the financial authorization given for a job to be performed, irrespective of the fact that it may be funded through budgetary or extra budgetary sources. Discretion of the Secretary-General in the organization of work: The Secretary-General enjoys broad discretion in the organization of work and the assignment of tasks to staff members. Such discretion is not unfettered but is subject to limited control by the Tribunal.

Decision Contested or Judgment/Order Appealed

Following a restructuring of his branch in early 2010, the Applicant, a UNOV/UNODC staff member, was reassigned, at the same level, to the newly created position of Senior Legal Adviser. Before the Tribunal, he challenges the decisions to abolish his post and to reassign him to the position of Senior Legal Adviser.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Gehr

Entity

UNODC

Case Number(s)

UNDT/GVA/2010/082

Tribunal

UNDT

Registry

Geneva

Date of Judgement

12 Aug 2011

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Reassignment or transfer

Discretion

Restructuring

Applicable Law

Administrative Instructions

- ST/AI/1998/9
- ST/AI/1999/17
- ST/AI/2006/3/Rev.1

Provisional Staff Regulations and Rules

- Regulation 1.2(c)

Related Judgments and Orders

2011-UNAT-115

UNDT/2009/083

UNDT/2010/009

UNDT/2010/035

UNDT/2010/115

UNDT/2010/212

UNDT/2011/093

UNDT/2011/096

UNDT/2011/045

UNDT/2011/116