

# **UNDT/2012/027, Servas**

## **UNAT Held or UNDT Pronouncements**

When the Tribunal is requested to exercise its jurisdiction under articles 2.1(c) and 8.2 of its Statute, the Tribunal's competence is limited to verifying whether the agreement reached through mediation has been implemented. Outcome:

## **Decision Contested or Judgment/OrderAppealed**

The Applicant filed an application to enforce the implementation of an agreement reached through mediation. The said agreement provided among other things that: "The International Trade Centre shall retroactively separate and reappoint [the Applicant] to the P-2 level, step I as from June 1st 2010 until the expiration of [the Applicant's] current appointment on July 18th 2011." The Applicant claims that ITC failed to comply with its obligations arising from the agreement by refusing to change her title and grade on her performance appraisal report from G-5 Programme Assistant to P-2 Associate Adviser. The Tribunal found that the terms of the agreement required ITC to retroactively put the Applicant in the administrative situation in which she would have been had she been appointed at the P-2 level, including to modify her performance evaluation report to reflect her title as P-2 Associate Adviser. It ordered ITC to modify the Applicant's performance evaluation report accordingly. The Tribunal rejected all other claims.

## **Legal Principle(s)**

N/A

## **Outcome**

Judgment entered for Applicant in full or in part

## Outcome Extra Text

Judgment in favour of applicant in part (only specific performance ordered)

### Full judgment

[Full judgment](#)

### Applicants/Appellants

Servas

### Entity

ITC

### Case Number(s)

UNDT/GVA/2011/68

### Tribunal

UNDT

### Registry

Geneva

### Date of Judgement

15 Feb 2012

### Duty Judge

Judge Cousin

### Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Ombudsman / informal resolution  
Informal resolution (between parties)  
Performance management  
Performance evaluation

## Applicable Law

UNDT Statute

- Article 2.1(c)
- Article 8.2