

UNDT/2012/188, Reid

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant first became aware that something was amiss in the recruitment process on 29 February 2008 when he was told that a “hold had been put on” the issuance of his letter of appointment by the SRSG. Subsequently, the Applicant was aware of the decision to appoint another candidate to the position in question in June 2008. Still later, in April 2009, and from the Applicant’s own submissions, while in New York, he received what he called a “verbal apology” (for the way things turned out) from the Assistant Secretary-General for Peacekeeping Operations. The Tribunal noted that any of these “events” would have been a suitable time for the Applicant to seek administrative review of the selection decision; but he did not. Rather, the Applicant chose to wait until 2011 before raising the matter first with the Secretary-General and then the Tribunal. In view of the above, the Tribunal held that the application was properly time-barred and it was accordingly dismissed.

Decision Contested or Judgment/Order Appealed

The Applicant alleged breach of contract and discrimination, following his application for the position of Chief of Staff, which he was told he was selected for but was never issued a letter of appointment. The Applicant submitted that, following several queries on the cause of the letter being held up, he came to find out that the position was being offered to a female candidate who was also a friend of the Special Representative to the Secretary-General (SRSG) of the Mission.

Legal Principle(s)

Pursuant to staff rule 11.2(c), a request for a management evaluation shall not be receivable by the Secretary-General unless it is sent within 60 calendar days from the date on which the staff member received the notification of the administrative

decision to be contested. Pursuant to art. 8.3 of the Dispute Tribunal's Statute, the Tribunal has no power to waive or suspend the deadlines for management evaluation. As per the settled jurisprudence, the Dispute Tribunal may only review decisions that have been subject of a proper and timely request for management evaluation.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Reid

Entity

MINURCAT

Case Number(s)

UNDT/NBI/2011/081

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

3 Dec 2012

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Fixed-term appointment

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Staff selection (non-selection/non-promotion)

Applicable Law

Staff Rules

- Rule 11.2(c)

UNDT RoP

- Article 35
- Article 7(a)
- Article 7(b)

UNDT Statute

- Article 8.3
- Article 8.4

Related Judgments and Orders

2013-UNAT-389