

# **UNDT/2013/098, Terragnolo**

## UNAT Held or UNDT Pronouncements

The Applicant submitted that seeing that the Secretary-General of the United Nations does not have any authority over staff rules at the UNJSPF, the Pension Fund is not precluded from employing a candidate that was rejected by OHRM. The UNDT found that the UNJSPF and OHRM correctly applied the legal provisions by considering that OHRM was responsible for administering the selection process for a post located in the UNJSPF and that the Applicant was not eligible for the post due to the fact that he held a post at a G-4 grade whereas the post to which he had applied was at the G-7 grade, three grades above his own. The Applicant has failed to prove the illegality of the contested decision.

## Decision Contested or Judgment/Order Appealed

The Applicant contests the decision taken by OHRM that he was not eligible to be considered for a post at the G-7 grade in the UNJSPF as this post was more than one grade higher than his current grade.

## Legal Principle(s)

Application of United Nations post selection rules to the UNJSPF: In accordance with art. 25 of the Memorandum of Understanding With Respect to United Nations Personnel Procedures Applicable to the UN Joint Staff Pension, OHRM is to administer the services related to post selections at the UNJSPF. As part of this process, OHRM must apply the same criteria for post selections as it does for posts in the United Nations Secretariat, including that a staff member shall not be eligible to apply for a post that is more than one grade higher than his current personal grade.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Terragnolo

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2011/019

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

7 Oct 2013

## Duty Judge

Judge Greceanu

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Staff selection (non-selection/non-promotion)

Eligibility

Selection decision

## Applicable Law

Secretary-General's bulletins

- ST/SGB/2009/4
- ST/SGB/2010/6

## Related Judgments and Orders

UNDT/2010/071

UNDT/2013/046