

# UNDT/2013/134, Charles

## UNAT Held or UNDT Pronouncements

The UNDT found that the post in question was a New York-based post to be assigned to the Entebbe office “subject to finalisation of arrangements for the initiation of a Regional Procurement Office”. This post was filled through a selection exercise that was finalized when the offer of appointment was made to Mr. YK in April 2011. The movement of the selected staff member, along with his post, to Entebbe was not a lateral move or a new recruitment, but rather implementation of the selected staff member’s terms of appointment in line with the vacancy announcement that provided that recruitment against this post was subject to finalization of arrangements for the initiation of the Regional Procurement Office in Entebbe. Further, the movement of the post and its incumbent did not affect the Applicant’s rights or conditions of employment and caused no prejudice to him. The UNDT dismissed the application.

## Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of the Procurement Division of the Department of Management in New York, contests the decision to place another staff member against a post in the Regional Procurement Office in Entebbe, Uganda, without advertising a job opening, thereby denying the Applicant an opportunity to compete for it.

## Legal Principle(s)

Delay in receiving management evaluation: Article 8.1(d) of the Tribunal’s Statute as well as staff rule 11.4(a) state that an applicant may file an appeal before the Dispute Tribunal if he or she has not received a response to his request for management evaluation within the applicable response period.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Charles

Entity

DM

Case Number(s)

UNDT/NY/2013/7

Tribunal

UNDT

Registry

New York

Date of Judgement

30 Oct 2013

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

Staff Rules

- Rule 11.4(a)

UNDT Statute

- Article 8.1