

UNDT/2014/007, Fiala

UNAT Held or UNDT Pronouncements

Application of ST/AI/2002/4 to field mission personnel: The Tribunal held that since ST/AI/2002/4 excludes field mission staff members, like the Applicant, from its ambit it could not be made applicable in the current matter in the absence of a formal decision by the Secretary-General to make the administrative instruction applicable to a staff member who is clearly excluded from its purview. The Tribunal also held that ST/AI/2002/4 could not be made applicable to the Applicant by invoking the best practices rule or argument. Implementation of selection decisions: The Tribunal concluded that the Applicant had been interviewed, selected and recommended for a post at the FS-5 level and informed of the selection decision by the programme manager. Thus, once the programme manager informed MONUC of his selection decision, it was incumbent upon the Administration to implement this decision and to do so fully.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to revise her recruitment level from FS-4 to FS-5 with effect from 1 June 2006 when she was appointed to MONUC.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Fiala

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2010/047

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

28 Jan 2014

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Reassignment or transfer

Staff selection (non-selection/non-promotion)

Interview

Selection decision
Applicable Law
Administrative Instructions

- ST/AI/2002/4

UNDT Statute

- Article 10
- Article 8.1

Related Judgments and Orders

UNDT/2012/004

UNDT/2012/135

2010-UNAT-042

2012-UNAT-232

2012-UNAT-276