

UNDT/2014/144, Survo

UNAT Held or UNDT Pronouncements

Decisions (a) and (b) are found not receivable and decision (c) is found to be unfounded. The Tribunal also finds that the Applicant's request for management evaluation (MEU request) included a request for SPA which was not addressed by the Organization. The Applicant did not pursue the applicable procedure established in ST/AI/1998/9. In the absence of an actual administrative decision denying a request for reclassification, the application against the continuous refusal to reclassify his post from the P-4 level to the P-5 level is not receivable. The Applicant's MEU request indicated that he was seeking "monetary compensation for the P5 level work that [he] has been doing with P-4 benefits since June 2003". The Tribunal considers that his request for management evaluation represents a request for SPA for the period following the 2009 reclassification of his post to the date a new Chief, SISS, was appointed. The Tribunal finds that the request for SPA was neither considered, brought before, or analyzed by the Executive Secretary, ESCAP nor was it reviewed by the MEU. Since the request for retroactive compensation, namely SPA, represents a new legal matter, the Tribunal considers it appropriate to remand it to the Administration for consideration within 90 days. As established by the MEU, the Applicant did not contest his non-selection for the P-5 level post of Chief, SDAS, within the applicable time limits. In the absence of request to the MEU, the appeal against this decision is not receivable. The Applicant's right to be fairly and fully considered for the P-5 post of Chief, SISS, was respected and the selection was not affected by any procedural irregularities.

Decision Contested or Judgment/Order Appealed

The Applicant appeals (a) the decision not to reclassify his P-4 SISS, Section Chief post to the P-5 level for the period 2003-2009 and award him due compensation in terms of the special post allowance (SPA); (b) the decision not to select him for the P-5 post of Chief, SDAS; and, (c) the decision not to select him for the P-5 post of Chief of SISS.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

No compensation ordered (but judgment for Applicant)

Full judgment

[Full judgment](#)

Applicants/Appellants

Survo

Entity

ESCAP

Case Number(s)

UNDT/NY/2011/018

Tribunal

UNDT

Registry

New York

Date of Judgement

11 Dec 2014

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Special Post Allowance

Classification (post)

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/1998/9
- ST/AI/1999/17
- ST/AI/2006
- ST/AI/2008/5

Secretary-General's bulletins

- ST/SGB/1999/15
- ST/SGB/2010/6

Staff Regulations

- Regulation 1.2(e)

Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)
- Rule 3.1

UNDT Statute

- Article 8.1(d)
- Article 8.3
- Article 8.4

Related Judgments and Orders

UNDT/2010/006

UNDT/2010/064

UNDT/2010/095

UNDT/2011/109

UNDT/2011/129

UNDT/2011/173

UNDT/2011/175

UNDT/2011/208

2010-UNAT-070

2011-UNAT-105

2011-UNAT-107

2012-UNAT-238

2013-UNAT-357

2013-UNAT-389

2014-UNAT-399

UNDT/2011/160