

# **UNDT/2019/011, Ahmed**

## **UNAT Held or UNDT Pronouncements**

For an application to be receivable pursuant to arts. 2 and 3 of the Tribunal's Statute, an Applicant has to contest an administrative decision alleging non-compliance with his or her contract of employment or terms of appointment.; At the time the Applicant applied for the contested post as well as at the time of the contested decision (non-selection), he was no longer a staff member. While he is a former staff member, the decision not to select him for the advertised post advertised was not linked to his (previous) contract of employment or terms of appointment with the United Nations. Consequently, the application is not receivable.

## **Decision Contested or Judgment/Order Appealed**

The Applicant contests the decision not to select him for a P-3 vacant position at the United Nations Support Office.

## **Legal Principle(s)**

The issue of the receivability of an application is a matter of law that may be assessed even if not raised by the parties, and even without serving the application to the Respondent for reply.

## **Outcome**

Dismissed as not receivable

## **Full judgment**

[Full judgment](#)

## Applicants/Appellants

Ahmed

## Entity

UNOCI

## Case Number(s)

UNDT/GVA/2018/73

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

28 Jan 2019

## Duty Judge

Judge Bravo

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Staff selection (non-selection/non-promotion)

## Applicable Law

### Staff Rules

- Rule 11.2(a)

### UNDT RoP

- Article 9

### UNDT Statute

- Article 2
- Article 3

## Related Judgments and Orders

2013-UNAT-313

2013-UNAT-335