

2010-UNAT-029, El-Khatib

UNAT Held or UNDT Pronouncements

UNAT held that the appeal was time-barred and, therefore, not receivable. However, UNAT noted that, even if the appeal was receivable, there did not appear to be valid grounds for contesting the decision to withdraw the offer of appointment or for requesting compensation for loss of earnings. UNAT also noted that the request for the removal of the defense brief from the file, as it contained information relating to the informal dispute resolution process, could have been taken into consideration since Article 15 of the UNAT RoP provides that such information shall remain confidential and never be disclosed to the Tribunal. UNAT dismissed the appeal as not receivable.

Decision Contested or Judgment/Order Appealed

UNRWA decision: The Applicant contested the decision to withdraw the offer of appointment for a social worker post. The UNRWA JAB recommended that the Commissioner-General review the decision. The Commissioner-General rejected the administrative appeal and did not follow the JAB recommendation after failed attempts of informal resolution.

Legal Principle(s)

A contract whereby an Agency recruited a staff member who would be governed by the staff rules is not a common-law contract. According to the Staff Rules, the contract can only be concluded validly on the date when the Commissioner-General, or an official of the Agency duly empowered to act on his behalf, signs the staff member's letter of notification. The candidates for a public post are presumed to know the rules applicable to the employing public corporation. Information relating to the informal dispute resolution process shall remain confidential and shall therefore never be disclosed to the Tribunal.

Outcome

Appeal dismissed on receivability

Outcome Extra Text

No relief ordered; No relief ordered

Full judgment

[Full judgment](#)

Applicants/Appellants

El-Khatib

Entity

UNRWA

Case Number(s)

2010-034

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2010

President Judge

Judge Courtial

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Temporal (ratione temporis)

Applicable Law

UNAT RoP

- Article 15