

# **2010-UNAT-048, Sefraoui**

## **UNAT Held or UNDT Pronouncements**

UNAT considered an appeal by the Secretary-General appealed against the UNDT judgment to seek a clarification of the ratio of the judgment with regard to the way in which UNDT had applied the principle of preponderance of evidence and ignored the Secretary-General's submissions on the basis of "minimal showing" that the Applicant had been fairly considered. UNAT held that it would not examine the legal submissions in the appeal since the case had been decided in favour of the Secretary-General. UNAT held that none of the grounds of appeal pleaded was valid under Article 2.1 of the UNAT Statute. UNAT dismissed the appeal and affirmed the UNDT judgment.

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

The Applicant contested the decision not to select him for two P-4 positions of Arabic Reviser. UNDT dismissed the application, holding that the preponderance of evidence demonstrated that the Applicant's candidature was given full and fair consideration.

## **Legal Principle(s)**

A party in whose favour a case has been decided is not permitted to appeal against the judgment on legal or academic grounds.

## **Outcome**

Appeal dismissed on receivability

## **Full judgment**

[Full judgment](#)

## Applicants/Appellants

Sefraoui

## Entity

DGACM

## Case Number(s)

2010-051

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

1 Jul 2010

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

## Applicable Law

## UNAT Statute

- Article 2.1
- Article 7.1

## Related Judgments and Orders

UNDT/2009/095