

2015-UNAT-561, Pirraku

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT affirmed, albeit on different grounds, the UNDT award of compensation to Mr Pirraku. UNAT observed that the issues surrounding Mr Pirraku's non-promotion should not have been presented to, or addressed by, UNDT. UNAT held that the issues regarding Mr Pirraku's non-promotion were the subject of a settlement and release agreement reached through mediation and, as such, were not subject to judicial review. UNAT held that the issue for UNDT's determination was the execution of the settlement agreement. UNAT held that the issues of compensation relating to the partial non-execution of the agreement and the delays in its implementation were properly before UNDT, which did not err in exercising its jurisdiction concerning these issues. UNAT held that the compensation in the amount of six months' net base salary awarded by UNDT was adequate in the circumstances of the case and fairly reflected the prejudice suffered by the staff member. UNAT dismissed the appeal and affirmed the award of compensation in the UNDT judgment.

Decision Contested or Judgment/Order Appealed

Mr Pirraku challenged his non-promotion. The issues surrounding the non-promotion were the subject of a settlement and release agreement reached through mediation. UNDT found for Mr Pirraku, awarding compensation.

Legal Principle(s)

An application shall not be receivable if the dispute arising from the contested decision has been resolved by an agreement reached through mediation.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Pirraku

Entity

UNMIS

Case Number(s)

2014-647

Tribunal

UNAT

Registry

New York

Date of Judgement

2 Jul 2015

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Ombudsman / informal resolution

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

UNDT Statute

- Article 2.1(c)
- Article 8.2

Related Judgments and Orders

UNDT/2014/093