

2025-UNAT-1571, Costas Argyrou

UNAT Held or UNDT Pronouncements

The UNAT noted that the staff member had been notified of the reclassification of the post he encumbered by e-mail without comments on the basis for the decision. The UNAT also noted that he had not been promoted to the reclassified post before separation from service.

The UNAT found that the UNDT had correctly determined that the staff member knew or reasonably should have known by the date he received notification of the reclassification or, at the very latest, by the date the vacancy of the reclassified post was advertised in Inspira, that his post had been reclassified and that he had not received the classification results. The UNAT also found that by the same time, he should have known of the alleged failure to publish a valid vacancy announcement regarding the reclassified post. The UNAT held that because he had not timely sought management evaluation of the contested decisions, the UNDT had correctly found his application not receivable *ratione materiae*.

The UNAT dismissed the appeal and affirmed the UNDT Judgment.

Decision Contested or Judgment/Order Appealed

A former staff member contested a decision not to provide him with a copy of the notice of the results of the reclassification exercise of the post he encumbered and the Administration's failure to advertise the vacancy of the reclassified post until after he separated from service.

In Judgment No. UNDT/2024/047, the UNDT dismissed the application as not receivable.

The staff member appealed.

Legal Principle(s)

A fundamental prerequisite for an application to the UNDT is for the applicant to have first submitted the contested administrative decision for management evaluation where required. This mandatory step cannot be waived by the Dispute Tribunal or the Appeals Tribunal.

A dispute over the alleged wrongful failure to provide a staff member with the classification results must be raised, as a first step, through a written request for management evaluation made within 60 days of notice of the contested decision.

When the contested decisions are in the form of inaction by the Administration or another form of an implied administrative decision, it is incumbent on the first-instance tribunal to determine the date on which the staff member knew or reasonably should have known of the decision, and to calculate the sixty-day limit from that date.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Costas Argyrou

Entity

UNFICYP

Case Number(s)

2024-1951

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Aug 2025

President Judge

Ziade

Judge Gao

Judge Forbang

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Classification (post)

Staff selection (non-selection/non-promotion)

Notification

Management evaluation

Subject matter (ratione materiae)

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Administrative Instructions

- ST/AI/1998/9

Staff Rules

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

Related Judgments and Orders

UNDT/2024/047

2021-UNAT-1143

2024-UNAT-1508

2020-UNAT-993

2024-UNAT-1465

2016-UNAT-622