



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1571

Costas Argyrou
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT

Before:	Judge Nassib G. Ziadé, Presiding Judge Leslie F. Forbang Judge Gao Xiaoli
Case No.:	2024-1951
Date of Decision:	27 June 2025
Date of Publication:	22 August 2025
Registrar:	Juliet E. Johnson

Counsel for Appellant: Cristián Gimenez Corte

Counsel for Respondent: Francisca Lagos Pola

JUDGE NASSIB G. ZIADÉ, PRESIDING.

1. Mr. Costas Argyrou, a former staff member of the United Nations Peacekeeping Force in Cyprus (UNFICYP), contested the implied decision not to provide him with a copy of the notice of the results of the reclassification exercise of the post he encumbered (Notice) (contested decision 1) and the failure to advertise the vacancy of the reclassified post (Post) until after he separated from service (contested decision 2).
2. By Judgment No. UNDT/2024/047 (impugned Judgment),¹ the United Nations Dispute Tribunal (UNDT) dismissed the application as not receivable.
3. Mr. Argyrou lodged an appeal of the impugned Judgment with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT).
4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

Facts and Procedure²

5. Mr. Argyrou served as a Procurement Assistant at the GS-6 level with UNFICYP.³
6. In October 2017, UNFICYP initiated the process to review and reclassify the post he encumbered from GS-6 to GS-7.⁴
7. On 4 June 2020, UNFICYP informed Mr. Argyrou that the Post had been reclassified to Senior Procurement Assistant at the GS-7 level, and that he would be kept posted on the way forward.⁵ The e-mail read as follows:⁶

Dear Costas,

I am pleased to inform you that position 30907029 has been reclassified as Senior Procurement Assistant, GS-7.

I will keep you posted on the way forward.

Kind regards,

¹ *Argyrou v. Secretary-General of the United Nations*, Judgment dated 7 August 2024.

² Summarized from the impugned Judgment as relevant to the appeal.

³ Impugned Judgment, para. 1.

⁴ *Ibid.*, para. 4.

⁵ *Ibid.*, para. 6.

⁶ UNFICYP Chief Procurement Officer's 4 June 2020 e-mail.

...

8. Between 24 May 2021 and 22 June 2021, the vacancy of the Post was advertised in Inspira under Job Opening (JO) 137081.⁷

9. On 23 November 2022, Mr. Argyrou separated from service on medical grounds.⁸

10. On 29 June 2023, the vacancy was again advertised in Inspira, under JO 209051.⁹

11. On 3 August 2023, Mr. Argyrou submitted a request for management evaluation (MER) of the contested decisions.¹⁰

12. On 5 September 2023, the Management Evaluation Unit (MEU) determined that the MER was not receivable.¹¹ The MEU noted that as the procedures with respect to requesting an appeal of a decision relating to the reclassification of a post were set forth in Administrative Instruction ST/AI/1998/9 (System for the classification of posts), which Mr. Argyrou had not exhausted, it had no competence to review the issue of reclassification of posts.¹²

13. On 27 October 2023, Mr. Argyrou filed his application with the UNDT.

The impugned Judgment

14. By summary judgment, the UNDT dismissed the application as not receivable *ratione materiae*.

15. The UNDT noted that as it appeared from the evidence on record, Mr. Argyrou had not been provided with the Notice. However, he was informed of the outcome of the reclassification by e-mail on 4 June 2020. At the earliest, he knew that the Administration had failed to fully comply with Section 2.4 of ST/AI/1998/9 when, on 4 June 2020, he first found out about the results of the reclassification exercise. Even if the Tribunal were to accept that the date on which Mr. Argyrou knew of contested decision 1 was the date the first JO was advertised, that would have

⁷ Impugned Judgment, para. 7.

⁸ *Ibid.*, para. 8.

⁹ *Ibid.*, para. 9.

¹⁰ *Ibid.*, para. 10.

¹¹ *Ibid.*, para. 11.

¹² MEU's letter dated 5 September 2023.

been on 24 May 2021. He sought management evaluation only on 3 August 2023, i.e. after the expiry of the 60-day time limit.¹³

16. The UNDT found that even if the application had been receivable, it would have failed on the merits. First, Mr. Argyrou did not specify the “rights” he was allegedly prevented from exercising. He was able to exercise his right to judicial review but failed to do so within the statutory time limit. Second, he did not demonstrate any interest in appealing the outcome of the reclassification exercise; on the contrary, his interest clearly lies in being promoted following the upward reclassification of the Post. Third, he did not apply for the Post when it was advertised in 2021.¹⁴

Procedure before the Appeals Tribunal

17. On 4 October 2024, Mr. Argyrou filed an appeal of the impugned Judgment with the Appeals Tribunal, to which the Secretary-General filed an answer on 3 December 2024.

Submissions

Mr. Argyrou’s Appeal

18. Mr. Argyrou requests the Appeals Tribunal to reverse the UNDT Judgment, rescind the contested decisions and award compensation.¹⁵

19. Mr. Argyrou argues that the application was receivable.

20. He submits that the UNDT erred on a question of law by considering that the Administration’s failure to provide the Notice had not breached his rights, and by considering that he had been duly notified of the outcome of the reclassification exercise by e-mail. He was prevented from exercising his right to seek management evaluation of the reclassification decision

¹³ Impugned Judgment, paras. 32 and 34-36.

¹⁴ *Ibid.*, paras. 38-43.

¹⁵ Mr. Argyrou requests compensation as follows:

a) The difference between what he actually earned at the GS-6 level, step XI, and what he would have earned at the GS-7 level, including the actuarial step, for the period from 16 October 2017 until 23 November 2022, including the equivalent of the loss in his pension rights and interest.

b) Two years’ net base salary at the GS-7 level for violations, including of his due process rights, and loss of opportunity of career development.

c) Two years’ net base salary at the GS-7 level for moral harm: emotional distress, frustration, humiliation before his colleagues, including subordinates, and insult to his dignity, and the delays he was subjected to.

in due time. The lack of formal notification of the results of the reclassification exercise meant that the time limit for submitting an MER never started to run.

21. Addressing the UNDT's alternative "benevolent approach", Mr. Argyrou submits that the publication of the vacancy announcement in Inspira could not be considered a replacement of the Notice. In any event, the vacancy announcement was not valid because UNFICYP had to wait for the approval of the budget by the General Assembly. Until then, the Post did not exist, the selection process did not take place and nobody was selected. Furthermore, contrary to practice, the vacancy was not advertised in UNFICYP circulars. In sum, advertising the vacancy announcement cannot be considered as the starting date of the time limit for seeking management evaluation.

22. Mr. Argyrou contends that the application would have succeeded on the merits.

23. He submits that the UNDT erred on a question of law by considering that no rights "would have flown" from a formal and official written notification of the results of the reclassification, and by considering that he had not specified such rights. He would have been able to exercise his right to be considered for a promotion pursuant to the terms of Section 4.3 of ST/AI/1998/9.

24. Mr. Argyrou submits that because the alleged vacancy announcement published in Inspira on 24 May 2021 was not valid, he was not afforded the right to be considered for the Post. Furthermore, the Administration should have considered him for a promotion by alternative "established procedures", such as placing him in the Post in accordance with Section 11.1 of Administrative Instruction ST/AI/2010/3/Rev.1 (Staff selection system). By failing to duly notify him of the results of the reclassification exercise, the Administration failed to grant him the opportunity to request application of Section 11.1 of ST/AI/2010/3/Rev.1. Lastly, his supervisor should have expressly informed him of the next steps in the process and did not.

The Secretary-General's Answer

25. The Secretary-General requests the Appeals Tribunal to dismiss the appeal and uphold the impugned Judgment.

26. The Secretary-General argues that the UNDT correctly held that the application was not receivable. Had Mr. Argyrou challenged the classification decision, which he did not, it would not have been reviewable by the UNDT since classification decisions are not reviewable administrative

decisions as they do not have a direct impact on a staff member's terms of appointment and contract of employment.

27. The Secretary-General contends that Mr. Argyrou has not established any errors warranting a reversal of the impugned Judgment.

28. The Secretary-General submits that the UNDT did not err in finding that Mr. Argyrou had been duly notified of the classification results by the 4 June 2020 e-mail and that he had submitted an untimely MER. The e-mail also properly informed him of the final rating, i.e. that the post he was encumbering had been reclassified to the G-7 level. Whether he considered the first vacancy announcement on Inspira invalid is also irrelevant and falls outside the scope of the present case. Even if the Appeals Tribunal were to find that it was a procedural irregularity for Mr. Argyrou not to receive the Notice, this would not constitute a substantial irregularity and would not warrant reversal of the impugned Judgement.

29. Lastly, the Secretary-General submits that the UNDT did not err in not finding that Mr. Argyrou had been prevented from exercising his rights. He did not have a "right" to be considered for promotion or recruited outside of a competitive process. The Administration has no obligation to keep the staff informed of vacancy announcements. Moreover, Mr. Argyrou has not contested having had knowledge thereof.

Considerations

30. The primary issue to be decided is whether the UNDT correctly determined Mr. Argyrou's application to be non-receivable *ratione materiae*, based on his failure to timely seek management evaluation for the contested decisions.

31. Mr. Argyrou challenges the failure of the Administration to provide him with a copy of the classification results which gave rise to the reclassification of his post in 2020, and to advertise the vacancy of the Post while he was in service. It is undisputed that Mr. Argyrou was advised of the reclassification by e-mail on 4 June 2020, and that he was not provided with the classification results, which might include "comments on the basis of which the decision was taken".¹⁶ It is also undisputed that Mr. Argyrou was not upgraded or promoted to the GS-7 level at any time before

¹⁶ ST/AI/1998/9, Section 2.4.

he separated from service in November 2022, even though he continued to occupy the post which had been reclassified, and that he did not request management evaluation until August 2023.

32. Considering these facts, we agree with the UNDT's conclusion that his application to that Tribunal was not receivable. 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".¹⁷ This mandatory step cannot be waived by the Dispute Tribunal or the Appeals Tribunal.¹⁸ 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.¹⁹ 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.²⁰

33. The UNDT correctly determined that Mr. Argyrou knew or reasonably should have known by 4 June 2020 (the date he received notification that the post had been reclassified) or, at the very latest, by 24 May 2021 (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. Also on 24 May 2021, Mr. Argyrou should have known of the alleged failure to publish a "valid" vacancy announcement. The later event of a second advertisement for the Post in June 2023 did not restart the clock on his time to seek review of this action.

34. Because Mr. Argyrou did not timely seek management evaluation of the contested decisions, the UNDT correctly held that his application was not receivable *ratione materiae*.

35. Mr. Argyrou also contends in his appeal that his non-receipt of the classification results impaired his ability to be promoted in some fashion. This largely speculative argument does not render his claim receivable, and, in any event, is without merit. Even though Mr. Argyrou was the

¹⁷ UNDT Statute, Article 8(1)(c).

¹⁸ *Edward E. Hammond v. Secretary-General of the United Nations*, Judgment No. 2021-UNAT-1143, para. 23.

¹⁹ Staff Rule 11.2(a) and (c).

²⁰ *Adolphe Irambona v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1508, para. 53; *Ruyffelaere v. Secretary-General of the United Nations*, Judgment No. 2020-UNAT-993, para. 18.

incumbent at the time of the reclassification, he possessed no right to a promotion.²¹ He had the right to apply and compete for any promotion but failed to exercise that right. He cannot utilize the internal justice system to circumvent the Staff Rules.

²¹ *Sabrije Hoxha v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1465, para. 51; *Aly et al. v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-622, paras. 45-46.

Judgment

36. Mr. Argyrou's appeal is dismissed, and Judgment No. UNDT/2024/047 is hereby affirmed.

Original and Authoritative Version: English

Dated this 27th day of June 2025 in New York, United States.

(Signed)

Judge Ziadé, Presiding

(Signed)

Judge Forbang

(Signed)

Judge Gao

Judgment published and entered into the Register on this 22nd day of August 2025 in New York, United States.

(Signed)

Juliet E. Johnson,
Registrar