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Case No.: UNDT/GVA/2010/008  
(UNAT 1546)  
Judgment No.: UNDT/2010/111

## Introduction

1. The applicant seeks the rescission of the decision of 11 April 2007 whereby the Secretary-General rejected his appeal against the recommendations made by the Chief, United Nations Safety and Security Section (SSS), to the Human Resources Management Section in connection with vacancy announcements VA99-66-UNSSS, VA00-16-UNSSS and VA-032-UNSSS and other posts for which he applied.

2. He requests that he be given an equivalent post to those for which he applied, be compensated for the injury resulting from the decisions in question and

8. On 2 June 2005, the Vienna Joint Appeals Board (JAB) received his appeal. JAB found in its report of 9 November 2006 that the appeal was irreceivable.

9. On 11 April 2007, the Under-Secretary-General, Department of Management, transmitted the JAB report to the applicant and advised him of the Secretary-General's decision to reject his appeal.

10. On 1 July 2007, he filed an application with the former United Nations Administrative Tribunal (UNAT), which received it on 16 July 2007.

11. Pursuant to General Assembly resolution 63/253, the application was transferred to the United Nations Dispute Tribunal (UNDT) on 1 January 2010.

#### Parties' contentions

12. The applicant's T-íOcSHFbí,,YOar,FçHmz-,Firç,F [ Srí,bYm-m-mçmçç,FçHmz-,FeOar,FçHmz-jONS

- b. The applicant makes a number of allegations that he has already raised in previous applications to the former. UN Administrative Tribunal has already ruled on them in its Judgement No. 1307, *Elasoud (2007)*;
- c. The delay in communicating the recommendations to the applicant did no cause him any harm;
- d. The applicant fails to prove that the procedure followed by JAB was improper.

### Judgment

14. The applicant contests the decision of 11 April 2007 whereby the Secretary-General rejected on the ground of irreceivability his request for the rescission of the recommendations made by the Chief, United Nations Safety and Security Section (SSS) to the Human Resources Management Section in connection with his applications for posts under vacancy announcements VA99-66-UNSSS, VA00-16-UNSSS and VA-032-UNSSS. He contends that, contrary to the opinion of the Secretary-General, the contested decisions are appealable administrative decisions.

15. Article 2 of the statute of the United Nations Dispute Tribunal provides that “The ... Tribunal shall be competent to hear and pass judgement on an application filed by an individual, as provided for in article 3, paragraph 1, of the present statute, against the Secretary-General as the Chief Administrative Officer of the United Nations: (a) To appeal an administrative decision that is alleged to be in noncompliance with the terms

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(signed)

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Judge Jean-François Cousin

Dated this 24<sup>th</sup> day of June 2010

Entered in the Register on this 24<sup>th</sup>