

Case No.: UNDT/GVA/2017/103

Order No.: 223 (GVA/2017)

Date: 29 November 2017



## **Parties' contentions<sup>2</sup>**

7. The Applicant argues that the contested administrative decision is *prima facie* unlawful because professional working experience should be recognized “regardless of when or in which field it was acquired”, and not after the acquisition a university degree as indicated in the JOs.

decision that is the subject of an on-going management evaluation, where the decision appears *prima facie* to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage”.

13. It follows from these provisions that an application for suspension of action may only be granted if it concerns an “administrative decision” that has not yet been implemented and is under an on-going management evaluation.

14. Article 2.1(a) of the Tribunal’s Statute reads:

The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual

(a) To appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment. The terms “contract” and “terms of appointment” include all pertinent regulations and rules and all relevant administrative issuances in force at the time of alleged non-compliance[.]

15. The Appeals Tribunal holds that “[w]hat constitutes an administrative decision will depend on the nature of the decision, the legal framework under which the decision was made, and the consequences of the decision (see *Andati-Amwayi* 2010-UNAT-058).

16. Pursuant to yet

18. In the present case, the Applicant is challenging the publication of two JOs  
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