

Case No.: UNDT/GVA/2017/104

Order No.: 228 (GVA/2017)

Date: 30 November 2017

Introduction

1. By application filed on 23 November 2017, the Applicant requests suspension of action, pending management evaluation, of the decision to advertise two Associate Civil Affairs Officer posts (“NO-B posts”) at the United Nations Peacekeeping Force in Cyprus (“UNFICYP”) that require “that work experience ... be acquired following completion of a university degree”.
2. The application was served on the Respondent on 24 November 2017, and he submitted his reply on the same day at COB New York time.

Facts

3. On 10 August 2017, two NO-B posts at the UNFICYP were advertised under Job Openings (“JOs”) number 5/2017 and 6/2017. The JOs were circulated, *inter alia*, to all UNFICYP staff by UNFICYP Mission Circulars number 2017-0216 and 2017-0217 respectively. The circulars indicated that the deadline for receipt of applications was 21 September 2017.
4. Under the “Experience” qualifications, both JOs required “[a]t least 4 years [of experience] following completion of a first level university degree or two (02) years [of experience] following completion of an advanced university degree of progressively responsible experience in the field of inter-communal relations, community development, peace-building, or program management, or related area”.
5. As per the Applicant, he applied to the JOs—and became aware of the language of the above-mentioned experience requirement—“at the closure of the [application] deadline, on October 11, 2017”.
6. On 10 November 2017, the Applicant requested management evaluation of the decision to advertise the two NO-B posts requiring “that work experience ... be acquired following the completion of a university degree”.

Parties' contentions

7. The Applicant argues that the contested administrative decision is *prima facie* unlawful because

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

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