Case No. UNDT/GVA/2016/038

Judgment No. UNDT/2017/010

A. <n 27 Ju"0 201A% t e D#&e\$to&% 2PD/D2*% !&omu"gated - 1 e+#sed gu#de"#nes on t e adm#n#st&at#on of t e T21 to staff mem 'e&s #n t e Gene&a" *e&+#\$e \$atego&0 se&+#ng #n D2*9su!!o&ted ent#t#es #n 6ta"0. ,-1e+#sed Gu#de"#nes./% effe\$t#+e

Case No. UNDT/GVA/2016/038

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12.) 0 mot#on of 16 June 2016% t e 1 es!ondent &e;uested t at t e \$ase 'e adCud#\$ated '0 summa&O Cudgment% g#+en t at t e A!!"#\$ant fa#"ed to su'm#t a management e+a"uat#on &e;uest !&#o& to se#E#ng t e T&# 'una".

- 13.) 0 < & de & No. 136 ,GVA/2017/ of 17 June 2016% t e A!!"#\$ant : as &e; uested to f#"e \$omments on : et e& t e &e; u#s#te management e+a"uat#on ad 'een su'm#tted : #t #n t e mandato&0 609da0 t#me "#m#t% : #\$ s e d#d on 2B June 2016.
- 17. T e 1 es! ondent &e! "#ed on 13 Ju" 0 2016.
- 1A. T e A!!"#\$ant?s !&#n\$#!a" \$ontent#ons on &e\$e#+a'#"#t0 a&eF
 - a. T e A!!"#\$ant &a#sed #ssues on e& T21 !a0ment : en s e &e\$e#+ed #t #n No+em'e& 2013% 'ut s e unde&stood t at t e matte& of t e 0ea&"0 &e+a"uat#on : as st#"" unde& d#s!ute 'et:een t e UN() (o\$a" *taff Un#on and t e Adm#n#st&at#on. @o&eo+e&% s e ad &e!eated"0 &e;uested UN()?s management &e+#e: and \$"a&#f#\$at#on as to t e \$o&&e\$t a!!"#\$at#on as soon as s e 'e\$ame a : a&e of t e &e+#s#on of t e gu#de"#nesD and
 - '.) 0 ema#" of 12 A!&#" 2016% t e A!!"#\$ant &e; uested to t e D#&e\$to&\$ UN()/UNG*C% to &e\$ons#de& t e de\$#s#on% to : #\$ e &es!onded negat#+e"0.
- 16. T e 1 es!ondent?s !&#n\$#!a" \$ontent#ons on &e\$e#+a'#"#t0 a&eF

 - '. T e A!!"#\$ant d#d not &e; uest management e+a"uat#on of t e \$ontested de\$#s#on and \$an no "onge& do so as t e 609da0 t#me "#m#t fo& t at !u&!ose as e"a!sed. T #s #s so : et e& t e \$ontested de\$#s#on #s \$ons#de&ed to a+e 'een ta8en #n No+em'e& 2013 o& #n De\$em'e& 201AD

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\$. T e do\$uments su'm#tted '0 t e A!!"#\$ant at t e T&#'una"?s s!e\$#f#\$ &e;uest do not \$onta#n a &e;uest fo& management e+a"uat#on% 'ut me&e"0 an ema#" e=\$ ange 'et:een t e A!!"#\$ant and t e >ead of <ff#\$e: e&e t e "atte& &e#te&ated t at t e A!!"#\$ant d#d not meet t e &e;u#&ements to &e\$e#+e t e T21 unde& t e 1e+#sed Gu#de"#nes.

- 17. *taff &u"e 11.2,@anagement 5+a"uat#on/!&o+#des t atF
 - ,a/ A staff mem'e& :#s #ng to fo&ma""0 \$ontest an adm#n#st&at#+e de\$#s#on a""eg#ng non9\$om!"#an\$e :#t #s o& e& \$ont&a\$t of em!"oOment o& te&ms of a!!o#ntment% #n\$"ud#ng a""!e&t#nent &egu"at#ons and &u"es!u&suant to staff &egu"at#on 11.1 ,a/% s a""% as a f#&st ste!% su'm#t to t e *e\$&eta&O9Gene&a" #n : &#t#ng a &e;uest fo& a management e+a"uat#on of t e adm#n#st&at#+e de\$#s#on.

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- ,\$/ A &e; uest fo& a management e+a"uat#on s a"" not 'e &e\$e#+a'"e '0 t e *e\$&eta&09Gene&a" un"ess #t #s sent : #t #n 60 \$a"enda& da0s f&om t e date on : #\$ t e staff mem'e& &e\$e#+ed not#f#\$at#on of t e adm#n#st&at#+e de\$#s#on to 'e \$ontested.
- 18. 6n t #s nest = 0 unde at. 8.1,\$/ of t e t = 0 at the source of the state o

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2A. A&gua'"0% t e #m!ugned de\$#s#on #n t #s \$ase : as made #n No+em'e& 2013% t at #s% : en t e T21 !a0ment : as effe\$ted. T #s a!!ea&s a"" t e mo&e !"aus#'"e s#n\$e t e&e #s not #ng to suggest t at t e A!!"#\$ant made an0 so&t of \$a+eat ma8#ng e& a\$\$e!tan\$e of t e 2013 !a0ment \$ond#t#ona" on su'se;uent ag&eements on t e \$a"\$u"at#on of t #s ent#t"ement. 6f% ne+e&t e"ess% t e T&#'una" : e&e to fo""o: t e A!!"#\$ant?s \$"a#m t at t e \$a"\$u"at#on of t e T21 : as an o!en #ssue at t e mate&#a" t#me and t at #t : as to 'e su'se;uent"0 &e\$ons#de&ed on t at 'as#s% #t #s und#s!uta'"e t at a f#&m de\$#s#on #n t #s &es!e\$t : as made and not#f#ed to t e A!!"#\$ant t &oug t e ema#" of t e C #ef of t e >uman 1esou&\$es <ff#\$e dated B De\$em'e& 201A.

26. 6n sum\ B De\ em'e\ 201A: as te "atest date at: #\\$ #t\ ou"d\ easona'"0'e \ ons\ de\ ed tatte\ o:na\ o:

27. >a+#ng found t e a!!"#\$at#on to 'e #&&e\$e#+a'"e\ t e T&#'una\ oug t not to ente\ #nto t e me\#ts of t e \\$ase, \quad 20139UNAT927B\\ !a\&as. 23 and 27/.

28. 6n + #e: of t e folego#ng% t e T&#'una" D5C6D5*F

T e a!!"#\$at#on #s d#sm#ssed as #&&e\$e#+a'"e.

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Judge 1 o : an Do : n#ng

Dated t #s 22nd da0 of 2e'&ua&0 2017

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1 enJ @. Va&gas @.\ 1 eg#st&a&\ Gene+a