
UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2022-UNAT-1218



Federico Giuseppe Galati
(Respondent /Applicant)

v.

Secretary -General
of the World Meteorological Organization
(Appellant /Respondent)

JUDGMENT

Before: Judge John Raymond Murphy, Presiding
Judge Graeme Colgan
Judge Dimitrios Raikos

Case No: 2021-1535

Date: 18 March 2022

Counsel for Federico Giuseppe Galati: Brandon Gardner, OSLA
Counsel for Secretary-General of the WMO: Daniel Trup

7. On 4 December 2019, Mr. Galati was notified that his post of P-3 Web Officer had been identified for possible abolition. Three months later, on 6 March 2020, Mr. Galati was notified that as a result of the revised structure, his post would be abolished.

8. On 25 March 2020, the Chief of Human Resources Section informed Mr. Galati that should he apply for any posts within WMO, the Administration would alert the relevant hiring managers to ensure that his application would be given due consideration based on his status.

9. Between 6 March 2020 and 30 July 2020, Mr. Galati applied for the following ten posts within WMO on the following dates. These posts were: (i) Coordination Officer , P-3 post, on 11 March 2020; (ii) Country Profile Database Regional Coordinator (CPDB Position), P-3 post, on 27 March 2020; (iii) Procurement Officer , P-3 post, on 27 April 2020; (iv) Risk Mgr. 2010 (te)-4.4 le imecteA

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29. With regard to the quantum of *in lieu* compensation, Mr. Galati argues that as he held a permanent appointment and had a reasonable expectation that he would continue in the WMO's employ for at least the next two years, the tribunal did not err in awarding him 24 months' net base salary *asin lieu* compensation, should the WMO decide not to rescind his unlawful termination and return him to work.

30. Regarding the award of USD 3,000 in moral damages, Mr. Galati contends that, as he had provided medical evidence of harm, the UNDT did not err in law by awarding this remuneration.

Considerations

31. The issue to be determined in this appeal is whether the UNDT erred in ruling that the termination of Mr. Galati's permanent appointment was unlawful because he did not receive proper consideration as a permanent appointee and because the Administration failed to act fully in compliance with the relevant legal provisions.

32. Staff Regulation 9.2 of the WMO Staff Regulations and Rules provides amongst other things that the WMO Secretary-General may terminate the appointment of a staff member who holds a permanent appointment if the necessities of the service require abolition of the post or reduction of the staff. Further, the WMO Secretary-General may also terminate a permanent appointee if such action would be in the interests of the good administration of the Organization and in accordance with the standards required under Staff Regulation 4.2. The standards under Staff Regulation 4.2 govern the appointment, transfer or promotion of staff members but in terms of Staff Regulation 9.2, those standards apply *mutatis mutandi* to the abolition of posts and the reduction of staff

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eligibility and suitability for the post was undertaken using Sonr u. The CPDB Position required at a minimum that candidates demonstrate, for example, an understanding of WMO planning and decision-making and implementation processes from the view of the Secretariat and members' organizations. These minimum requirements were not readily demonstrable in Mr. Galati's PHP upon which his initial short pt.3 ()igm woasMapt.3E7 (at c)ch8 (a)

to the requirements of Staff Regulation 4.2 of the WMO Staff Regulations and Rules to secure “the highest standards of efficiency, competence and integrity”.

42. The UNDT, therefore, quite evidently erred in holding that the inclusion of Mr. Galati in the shortlist was akin to an admission by the Administration that he met all the requirements for the CPDB Position and that his separation from service was unlawful ft /LBody1(n (rnB2.

45. The appeal must accordingly be upheld. The Administration has demonstrated that all reasonable efforts were made to consider Mr. Galati for available suitable posts in which his services could be effectively utilized.

Judgment

46. The appeal is upheld, and Judgment No. 2022-UNAT-1218 is set aside. <</MCID 0 >>BDC /TT4 1C /TT183Q B