

Translated from French

Case No.: UNDT/GVA/2009/64

## Application

1.

7. On 15 January 2008, the Comparative Review Panel met to review the status of unplaced staff members, that is, 12 staff members for 12 vacant posts.
8. On 29 February 2008, the Deputy High Commissioner filled the aforementioned posts.
9. On 28 April 2008, the applicant requested the Secretary-General to review the Deputy High Commissioner's decision of 29 February 2008.
10. On 6 August 2008, he filed an appeal against this decision with the Joint Appeals Board, which concluded that the appeal was inadmissible

- e. Contrary to the respondent's contention, the impugned decision affected his rights owing to the irregularity of the comparative review and the unequal treatment he received.
13. The respondent's principal arguments are:
- a. The application is inadmissible because the contested decision is not an administrative decision within the meaning of staff regulation 11.1 and the jurisprudence of the United Nations Administrative Tribunal;
  - b. The application is also inadmissible owing to its lateness;
  - c. The applicant could not be included in the list of staff members reviewed by the Comparative Review Panel since he occupied a post at the time the Panel was constituted and remained in his post for the duration of the Panel's mandate;
  - d. The applicant had been selected by the APPC in September 2007 for a post of Senior Programme Assistant at the G-7 level in the Chad/Darfur Situation Unit in the Department of Operations, Africa Bureau, Sudan and Chad Operations at headquarters, effective 8 October 2007, and paragraph 19 of the APPC Procedural Regulations of June 2006, which stipulates that only

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