

Introduction

1. The Applicant is a Programme Management & Finance at the P3 level in the United Nations Contingent and Support Team, integrated Programme and Support Team of the United Nations Mission in Vienna, Austria.

2. On 26 July 2012, he contests the decision of UNDC to find him negligent for a P4 cost of 5000 Euro. He claims that the Gulf Cooperation Council Counters/GCC/2012/030 on 11 May 2012, UN/99/C/N/D5UG6 AND C5, %: '1; <<='5'A-U D>A-, /?2 /0P'4 cost.

Background facts

3. The Applicant entered into the service of the United Nations in 1994. He was promoted to the P3 level in 2006 and his first assignment was as a permanent assignment. As of 1 July 2007, he was selected to serve on an assignment at the P4 level to the cost of 5000 Euro Programme Coordination for the GCC, UNDC in Vienna. He informed that upon completion of his assignment, he would be set to his normal P3 cost.

4. In January 2008, the Applicant applied for the position of General Programme Coordination in Abu Dhabi, at the P4 level. The Applicant's announcement was published on 20 January 2008.

4. In March 2008, the Applicant of UNDC made a decision to appoint the Applicant to an P4 cost as Programme Coordination in Abu Dhabi. He noted that he would be set to his cost and his decision was published on 4 December 2008.

6. The Applicant subsequently contested the decision to no longer be assigned him to a permanent assignment at the P4 level and his resignation was accepted on 11 July 2012.

Judgment Al-Mulla UNDT/2011/104. The appeal against this judgment was dismissed by the Appeals Tribunal in judgment Al-Mulla 2012'UNAT'226.

10. On 12 March 2010 the memorandum dated 1 March 2010 addressed to the Appeals Tribunal (the "March 2010 Memorandum") recommended that the Appeals Tribunal should assign the P6C post 202464 P32 to the appellant and change the post title to "Assistant Secretary-General".

To assign the P6C post 202464 P32 to the appellant and change the post title to "Assistant Secretary-General" would require the appellant to be promoted to the P6C grade. The appellant was promoted to the P6C grade on 1 August 2011. The Appeals Tribunal found that the appellant was not eligible for promotion to the P6C grade because he did not complete the required training. The Appeals Tribunal found that the appellant was not eligible for promotion to the P6C grade because he did not complete the required training.

11. On 2 March 2010 the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post. On 2 March 2010 the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post.

12. On 12 March 2010 the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post. On 12 March 2010 the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post. On 12 March 2010 the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post. On 12 March 2010 the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post.

Facts

10. The P4 post "Assistant Secretary-General" was advertised on 14 June 2011 to 14 July 2011 and the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post.

11. On 2 March 2010 the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post. On 2 March 2010 the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post.

12. On 23 January 2012 the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post. On 23 January 2012 the Appeals Tribunal (the "March 2010 Memorandum") recommended that the appellant should be promoted to the P3 post.

14. The respondent's argument is that pursuant to section 6.1 of CTA/2010/3 Staff Regulations, the Arbitral Tribunal as at the time of his appointment for the P4 post was at the P3 level when he was appointed to a P4 post.

Consideration

16. The main issue to be determined is whether or not the Arbitral Tribunal was appointed to a P4 post as of 14 July 2011.

17. Section 6 of CTA/2010/3 Staff Regulations states as follows:

6.1 Staff members holding a permanent appointment shall not be eligible to a P4 post unless more than one level higher than the employee grade. Staff members in the Geneva Office and related categories holding a permanent appointment shall not be eligible to a P4 post unless more than one level higher than the employee grade held in the Geneva Office and related categories. Such members shall meet the requirements of the post.

18. As of 14 July 2010, the Arbitral Tribunal was appointed to a P3 post. However, he continued to work as at the date of his appointment to the P3 post. The respondent's argument is that the Tribunal should be considered to have been appointed to his permanent appointment at the employee P3 grade as a result of the 14 July 2010.

19. It is a P4 post unless more than one level higher than P3. It follows from the above that a staff member at the grade of P3 holding an offer of the highest level shall not be eligible to a P4 post, the Arbitral Tribunal holds a permanent appointment and was a P3 as at the time of his appointment for the P4 post.

20. Therefore, the decision to include the Arbitral Tribunal from his appointment for the P4 post is legal.

21. The Tribunal does not have to be considered whether the Arbitral Tribunal had been notified of the post at the P4 level before it had been appointed.

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