





Case No. UNDT/GVA/2016/082

Judgment No. UNDT/2017/040



7. The respondent is to pay the claimant, within 30 days of the date of this judgment, an amount of 100,000 Swiss francs, plus interest at the rate of 5% per annum, from the date of the judgment until the date of payment.

20. The present case falls into question of the application and interpretation of staff rules 4.17 and 4.2 (as amended by ST/A/2010/2 and ST/A/2010/4) and 1.1. The Commission (the Tribunal) of the United Nations system (the Staff Rules) is, in administrative, administrative, administrative. Consequently (administrative institutions) are to be interpreted in light of and in accordance with the Staff Rules.

21. Staff rule 4.17 - "Employment / number of posts, selection, etc." at

-a/ A former staff member who is employed under conditions established in the Charter, "Geneva" shall be given a new appointment unless he or she is reinstated under staff rule 4.18.

-b/ The terms of the new appointment shall be fixed "as far as possible" (to) out regard to an "equivalent" of former service. When a staff member is employed under the present rule (the service) shall not be considered as continuous between the two, and new appointments.

22. It follows that staff rule 4.17 would prevent the Applicant from claiming an "equivalent" entitlement based on the previous service, under GTAs (if she) had



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46. The Tribunal notes that in determining whether the staff members had a real and effective interest in the content of the "agreements" to permanent appointments the Appeals Tribunal took into consideration the form assigned from the previous position (or, at a time between the various appointments) or, moved from one entity to another, to take up a completely different post (or, benefited from separation entitlements - see e.g. 201@.UNAT.@706

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Judge Te,esa ! ,a<o

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