



United Nations Dispute Tribunal

Case No.: UNDT/GVA/2009/21
Judgment No.: UNDT/2009/047
Date: 16 October 2009
English

Before: Judge Jean-François Cousin
Registry: Geneva
Registrar: Víctor Rodríguez

JOSHI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:
Sten Bornee

Counsel for respondent:
Shelly Pitterman, DHRM/UNHCR

Introduction

1. In his appeal to the Joint Appeals Board (JAB), registered on 15 December 2008, the applicant requested it to recommend that the decision

of the United Nations High Commissioner for Refugees refusing to promote him to a P-4 post during the 2007 annual promotion session should be rescinded.

2. In its resolution 63/253, the General Assembly decided that all cases pending before the Joint Appeals Board as at 1 July 2009 would be transferred to the United Nations Dispute Tribunal.

Applicant's submissions

Appeals Board granted him an extension to 15 December 2008 of the deadline for submitting it.

10. The High Commissioner may award whatever promotions he decides, provided that the performance of the people promoted is outstanding and that the decisions are taken in the best interests of the Organization and thus are not arbitrary.

11. Contrary to the applicant's assertion in the recourse session the

the Department of Peacekeeping Operations into account. If the Board had taken into account the missing performance appraisal, he would have had

the number of points. The Appointments, Postings and Promotions

United Nations and his experience in other functions were limited. Thus,

errors committed during the first promotion session. In addition, contrary to the applicant's assertions, particularly during the hearing, the Board did examine his case taking into account his situation as a telecommunications specialist.

18. While the judge must rule on the correctness of the promotion procedure and on the factual errors committed by the Ad. Induction Board,