

Application

1. In a letter to the United Nations Dispute Tribunal (UNDT) dated 23 July 2009, the Applicant requested it to:

- a. Rescind the decision of 23 December 2008 whereby the Secretary-General refused to grant her compensation following the conclusions of the Joint Appeals Board (JAB);
- b. Summarily dismiss the staff member whom she considers to be guilty of sexual harassment;
- c. Rescind the selection process for the two text processing operator posts in the Spanish unit of the text processing

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explicitly recognized that the selection process had been flawed and that the Applicant's rights had not been respected.

16.

Translated from French

Case No. UNDT/GVA/2009/55

Judgment No. UNDT/2010/021

and applied for those posts as an external candidate. The Applicant is therefore a former staff member contesting the decision not to be selected for a post that was published after her separation from service, and she cannot therefore allege any violation of the terms of appointment as set out in her previous contracts with the Organization. Therefore, in accordance with the aforementioned texts, the disputed decision cannot be appealed and the request for compensation in that regard can only be declared irreceivable before the UNDT.

25. However, the Tribunal can take into consideration the fact that the case was only transferred to it under paragraph 4.2 of ST/SGB/2009/11 on “Transitional measures related to the introduction of the new system of administration of justice”, and that, since the case had been initiated at a time when the former system of administration of justice was in force, the application would have been heard by UNAT had the deadlines not been extended.

26. The Dispute Tribunal must therefore examine whether the application would have been admissible by UNAT. According to article 2 of the statute of UNAT:

“1. The Tribunal shall be competent to hear and pass judgement upon applications alleging non-observance of contracts of employment of staff members of the Secretariat of the United Nations or of the terms of appointment of such staff members. The words ‘contr

