

Case No.:

## Introduction

1. By an application dated 25 July 2012, the Applicant challenges the Administration's failure to complete the classification process and to take a proper classification decision in relation to the post of Senior Legal Adviser.

2. He asks the Tribunal to declare the classification process unlawful and to award him compensation for the violation of his due process rights and the Administration's undue delay in carrying it out.

## Facts

3. The Applicant joined the United Nations Office on Drugs and Crime in Vienna in 2002. With effect from 1 November 2007, he was appointed to the post of Senior Terrorism Prevention Officer, at level P-5, in the Terrorism Prevention Branch ("TPB"), within the

It accordingly rescinded the classification decision of 15 March 2011 in relation to the post of Senior Legal Adviser.

8. On 25 July 2012, the Applicant requested management evaluation of the decision not to complete the classification process. No response to this request has been rendered as of today.

9. Also on 25 July 2012, the Applicant filed with the Tribunal the application which forms the subject of this Judgment.

#### Consideration

10. According to article 9 of its Rules of Procedure, the Tribunal may determine, on its own initiative, that summary judgment is appropriate. This usually would happen when there is no dispute as to the material facts of the case

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for disputes arising at Headquarters and 45 calendar days for other offices ...

12. In Planas UNDT/2009/070, the Tribunal held:

[I]n terms of receivability of an application before the Tribunal it is not sufficient merely to initiate the management evaluation procedure. Applicants have to await, in general, the outcome of this administrative review before they may submit an application to the Tribunal. Only when no response to a request for management evaluation is provided within the time limits of article 8.1(d)(i)(b), a direct application to the Tribunal is receivable. A “response” in that sense is characterized by a decision from the Management Evaluation Unit ...

13. In his application, though the Applicant indicates that he requested management evaluation, he also states that “[he] is of the opinion that it is not required from a legal point of view”.

14. Section 5 of administrative instruction ST/AI/1998/9 (System for the classification of posts) reads as follows:

The decision on the classification level of a post may be appealed by the head of the organizational unit in which the post is located, and/or the incumbent of the post at the time of its classification, on the ground that the classification standards were incorrectly applied, resulting in the classification of the post at the wrong level.

15. Section 6.14 further provides:

The Assistant Secretary-General for Human Resources Management or the head of office, as appropriate, shall take the final decision on the appeal. A copy of the final decision shall be communicated promptly to the appellant, together with a copy of the report of the Appeals Committee. Any further recourse against the decision shall be submitted to the United Nations Administrative Tribunal.

the outcome thereof. Having failed to do so, his application must be deemed