

Case No. UNDT/GVA/2016/082

Judgment No. UNDT/2017/040

7. The respondent is to be ordered to pay the amount of 30% of the net profit for the year 2016 as determined by the tax authorities, plus an additional 5% of the amount of the net profit for the year 2016, within 30 days of the date of the judgment, and to pay the interest on the amount of the net profit for the year 2016, plus the interest on the amount of the net profit for the year 2016, at the rate of 5% per annum, from the date of the judgment, until the amount is paid in full.

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 Secretariat (the Staff Rules) is, in the present case, administrative in nature. Consequently (administrative functions) are to be interpreted in light of and in accordance with the Staff Rules.

21. Staff rule 4.17 - "Employment of persons" is a fundamental principle of

-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.

-8/ The terms of the new appointment shall be fixed in accordance with the Charter, Geneva. When a staff member is employed under the present rule (the Geneva) 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 income share entitlement based on the previous Geneva, GTAs (if she) had

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46. The Tribunal notes that in determining whether the staff members had a real and substantial connection to the permanent assignments to the Agency, the Tribunal took into consideration the form of assignment, the previous position of the staff members at a time between the various assignments, the movement from one entity to another, to take into account different positions, and benefited from special assignments - see e.g. (201@.UNAT.@70G

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Judge Te,esa ! ,a<o

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