Case No. UNDT/GVA/2016/050

Judgment No. UNDT/2017/066

## Introduction

- 1. B a!!"#\$at#on f#"ed on 11 August 2016% t&e A!!"#\$ant% a "o\$a"" 'e\$'u#ted staff mem(e' of t&e Un#ted Nat#ons De)e"o!ment P'og'amme \*+UNDP,- #n .nd#a% \$&a""enged t&e ado!t#on of t&e ne / sa"a' s\$a"es 0 !osted on t&e / e(s#te of t&e 1 ff#\$e of 2 uman 3 esou'\$es 4 anagement \*+1 2 3 4 ,- 0 'esu"t#ng f'om a Com!'e&ens#)e 5o\$a" 6a"a' 6u')e \$ondu\$ted #n June 2017 #n .nd#a% / &#\$&\$on\$"uded t&at sa"a'#es of "o\$a"" 'e\$'u#ted staff / e'e a(o)e t&e "a(ou' ma'8et.
- 2. 1n 7 No)em(e' 2016% t&e 3es!ondent f#"ed &#s 'e!" to t&e a!!"#\$at#on inter alia a'gu#ng t&at t&e A!!"#\$ant9s \$ase / as not 'e\$e#)a("e (e\$ause &e' \$ase / as not 'emanded to t&e Un#ted Nat#ons D#s!ute T'#(una" \*+UNDT,- ( t&e Un#ted Nat#ons A!!ea"s T'#(una" \*+UNAT,-.

## **Facts**

7. The A!!"#\sant ad !'e)#ous" \sontested the e:a\st a(o)e;ment#oned de\state and the allowed as the allowed as

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2<4 a'\$& 2015\\ and\\ t&us\\ ('oug&t t&e A!!"\\$\ant9s \$ase to a \$"ose. Conse@uent" \\ t&\\$ T'\\$\ (una\)" (e\\$\ame functus officio.

15. T&e D#s!ute T'#(una" \$eased to &a)e an >u'#sd#\$t#on o)e' t&e A!!"#\$ant9s \$ase on\$e Judgment UNDT/2015/022 / as 'ende'ed. Cons#de'#ng t&at t&e A!!"#\$ant9s \$ase / as not 'emanded ( t&e A!!ea"s T'#(una" t&e D#s!ute T'#(una" \$annot ad>ud#\$ate o)e' t&e me'#ts of &e' \$ase.

## Conclusion

16. .n )#e / of t&e fo'ego#ng% t&e T'#(una" DCC.DC6D

T&e a!!"#\$at#on #s not 'e\$e#)a("e and #s 'e>e\$ted.

\*Signed-

Judge Te'esa B'a)o

Dated t&#s 22<sup>nd</sup> da of August 2017

Cnte'ed #n t&e 3 eg#ste' on t&#s 22<sup>nd</sup> da of August 2017 \*Signed-

3 enE 4. Va'gas 4. % 3 eg#st'a' % Gene)a