



Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

ARGYROU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Maureen Munyolo, AS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant, a former Procurement Assistant at the GS-6 level with the United Nations Peacekeeping Force in Cyprus (“UNFICYP”), contests (i) the failure of the Administration to provide him with a copy of the notice of the 2020 classification results of the GS-6 level post that he encumbered, and, (ii) the advertisement of the job opening of his upgraded position only after he separated from service.
2. The Applicant requested management evaluation on 3 August 2023. The Management Evaluation Unit (“MEU”) determined on 5 September 2023 that the request was not receivable.
3. On 27 October 2023, the Applicant filed an application against the contested decision.
4. On 31 October 2023, the application was served on the Respondent, who, in turn, filed a motion for summary judgment on 17 November 2023.

Consideration

5. In support of his motion, the Respondent submits that the application is not receivable on two grounds.
6. First, the application is not receivable *ratione materiae* because the Applicant never appealed the classification outcome within 60 days from the date he received the classification decision, as required by section 6 of ST/AI/1998/9 (*System for the Classification of Posts*). As a result, the Tribunal is barred from reviewing said administrative decision.
7. Second, art. 8.4 of the Dispute Tribunal’s Statute prevents the Tribunal to pass judgment on an application filed more than three years after the Applicant’s receipt of the contested administrative decision. According to an email filed by the Respondent, the Applicant was made aware of the reclassification of the position he encumbered on 4 June 2020.

8. In the interest of justice and of a fair and expeditious disposal of this case, the Tribunal deems appropriate to give the Applicant an opportunity to comment on the issues brought forth by the Respondent in his motion for summary judgment.

9. Accordingly, the Respondent deadline to file a reply on the merits is suspended pending the Tribunal's determination on the matter.

Conclusion

10. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant shall file his comments on the Respondent's motion for summary judgment by **Friday, 1 December 2023**;
- b. The Respondent's deadline to file a reply is suspended.

(Signed)

Judge Sun Xiangzhuang (Duty Judge)

Dated this 22nd day of November 2023

Entered in the Register on this 22nd day of November 2023

(Signed)

René M. Vargas M., Registrar, Geneva