



**UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2019-UNAT-969



**Argyrou  
(Appellant)**

**v.**

**Secretary-General of the United Nations**

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Counsel for Mr. Argyrou: Flogaitis Spyridon

Counsel for Secretary-General: Patricia C. Aragonés





9. On 7 June 2018, Mr. Argyrou submitted a request for management evaluation of the decision taken by the UNFICYP Administration to redeploy a post of procurement assistant from the Procurement Section to the IAU on 11 May 2017. Mr. Argyrou claimed that this redeployment created a negative impact on the workload of the Procurement Section, as the work had to be redistributed among the remaining staff of the Procurement Section and he had to work even more hours on top of the additional hours that he had already put in. Mr. Argyrou requested that the Procurement Section be staffed with an adequate number of staff “to enable me to finalise my work within the working hours” and added that he was seeking “compensation (additional payment) for the additional hours of work that I have performed for the Organization”.

10. By letter dated 24 July 2018, the Management Evaluation Unit (MEU) informed Mr. Argyrou of the outcome of the management evaluation. The MEU found that Mr. Argyrou’s management evaluation request was not receivable because, assuming that there had been such a decision, it had not been filed in a timely manner in terms of Staff Rule 11.2(c). Mr. Argyrou had failed to file the request within 60 calendar days from the date on which he became aware of the decision not to pay him overtime or when all the facts in relation to the decision should have been to .24.01.1836(10th)-21.05.5()-21.0ent







**Considerations**

30. Although in the final analysis not much turns on the question, the Secretary-General's objection to Mr. Argyrou's filing for the first time of the additional documents annexed to his





or time-off was rejected or ignored at any time. In any event, the redeployments referred to in the application occurred in 2006 and 2017, long before Mr. Argyrou requested management evaluation, meaning that there was no compliance with the 60-day time limit in Staff Rule 11.2(c).

35. In the premises, the UNDT did not have jurisdiction *ratione materiae* in relation to the issue of overtime.

36. The UNDT also correctly concluded that Mr. Argyrou's claim of abuse and harassment in terms of ST/SGB/2008/5 was not receivable. Article 2 of the UNDT Statute does not authorise the UNDT to conduct investigations into complaints of abuse or harassment.

37. Section 5 of ST/SGB/2008/5 provides that where informal resolution of complaints of abuse or harassment is not desired or appropriate, or has been unsuccessful, the aggrieved individual may submit a written complaint to the responsible official with authority. If there are sufficient grounds to warrant a formal fact-finding investigation, the responsible official is obliged to appoint a panel to conduct a fact-finding investigation. If the investigation finds that no prohibited conduct took place, the responsible official will close the case. If the investigation establishes that there was a factual basis for the allegations, depending on the gravity of the abuse or harassment, the responsible official should refer the matter to the Assistant Secretary-General for Human Resources Management for disciplinary proceedings or merely recommend managerial action. Where an aggrieved individual or alleged offender has grounds to believe that the procedure followed in respect of the allegati



**Judgment**