

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 proceeds of the sale of the property, plus an additional 5% of the net proceeds of the sale, from the date of settlement of the respondent's debt.

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's decision in the T. Kuna case at the time of the appeal of the United Nations' internal staff rules, including administrative and disciplinary provisions. Consequently, administrative and disciplinary provisions apply to the internal staff of the United Nations.

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

-a/ A former staff member who is employed under conditions established in the Charter, General Assembly and the International Court of Justice, unless otherwise stated under staff rule 4.18.

-8/ The terms of the employment contract shall be subject to the provisions of the Charter, General Assembly and the International Court of Justice. When a staff member is employed under the present rule, the provisions shall not be considered as continuous between the two, and the employment.

22. It follows that staff rule 4.17 would prevent the Applicant from claiming an income share entitlement based on the previous period under GTAs if she had

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46. The Tribunal notes that in determining whether the staff members had a real and effective interest in the content of the "agreements" to permanent appointments the Appeals Tribunal took into consideration the form assigned from the previous position (or, at a time, real or set between the various appointments (or, moved from one entity to another), to take up a "different" position (or, benefited from separation entitlements - see e.g. 201@.UNAT.@706

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Judge Te,esa ! ,a<0

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