

UNDT/2010/066, Safwat

UNAT Held or UNDT Pronouncements

In his request for review to the Secretary-General, the Applicant contested the decision not to appoint him to the post of Chief (D-1), Information and Communication Technology Division, at ESCWA. Subsequently, in his appeal to the JAB, the Applicant sought to contest several other decisions. The only decision that the Tribunal is competent to examine is the decision for which administrative review was sought. The evaluation of candidates to a post falls within the discretion of the Secretary-general and the Tribunal will not substitute its views to that of the Secretary-General. However, as consistently upheld by the United Nations Administrative Tribunal, the discretion of the Secretary-General is not without boundaries and will be reviewed when there are allegations of abuse of discretion. The Respondent provided the Applicant with an unabridged copy of the evaluation of the selected candidate. The Applicant was thus given access to information as to the qualifications and experience of the successful candidate and could compare them to his. Notwithstanding, the Applicant did not provide any evidence in support of his allegation that he was more qualified and competent than the selected candidate. Outcome: The application was rejected.

Decision Contested or Judgment/Order Appealed

In June 2005, the Applicant filed an appeal before the New York JAB against the decision of the Executive Secretary of ESCWA not to promote him to the post of Chief (D-1), Information and Communication Technology Division. The Applicant contends that his work experience, education and other skills were not properly evaluated by the Executive Secretary, that he was more qualified than the selected candidate, and that his non-selection is an example of the harassment and discrimination the Executive Secretary subjected him to.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Safwat

Entity

ESCWA

Case Number(s)

UNDT/GVA/2009/059

Tribunal

UNDT

Registry

Geneva

Date of Judgement

18 Apr 2010

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Selection decision

Applicable Law

Former Staff Rules

- Rule 111.2(a)