

UNDT/2010/125, Teferra

UNAT Held or UNDT Pronouncements

While the Respondent submits that the recognized heads of damage are: actual pecuniary loss; damages for procedural error and moral damages, the Tribunal does not consider this list to be exhaustive. The Tribunal cannot conclude that if proper procedures had been followed, the Applicant would have been selected for the subject post. Nonetheless, it considers that the Applicant's prospect for selection was very high due to the fact that he was the only candidate deemed suitable for the post by the Advisory Selection Panel. Thus, the contested decision impacts substantially on the Applicant's life in that he lost the opportunity to move to the G-7 level and as such, he is entitled to compensation for the lost opportunity

Decision Contested or Judgment/Order Appealed

The Applicant is a staff member of the Economic Commission for Africa who is contesting the decision to re-advertise the vacancy for the post of Mail Assistant (Registry Supervisor) at the G-7 level. The facts giving rise to the application before the Tribunal are contained in UNDT Judgment No. 084 (2010). In the said Judgment, having found in favor of the Applicant, the Tribunal directed the parties to provide written submissions as to the appropriate relief that should be ordered.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Respondent is ordered to pay the Applicant three months' net base salary as compensation for the loss of the opportunity to be appointed to the post of Mail Assistant at the G-7 level with interest at 8% beginning 90 days from the date of issuance of this Judgment until payment is effected.

Full judgment

[Full judgment](#)

Applicants/Appellants

Teferra

Entity

UNECA

Case Number(s)

UNDT/NBI/2009/018

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

15 Jul 2010

Duty Judge

Judge Boolell

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Loss of chance

Pecuniary (material) damages

Due process

Applicable Law

UNDT Statute

- Article 10.5
- Article 10.6
- Article 10.7

Related Judgments and Orders

UNDT/2010/040

UNDT/2010/026