

UNDT/2010/134, Liarski

UNAT Held or UNDT Pronouncements

UNDT found that the requirement of progressively responsible experience in the vacancy announcement was in line with the generic job profile and was not prejudicial to the applicant. The applicant's arguments were in any case without merit as all the candidates interviewed by the selection panel had at least ten years of experience. UNDT found that, although the Organisation failed to properly carry out and document its consideration for the designation of the successful candidate to perform significant functions in financial management, this did not result in a violation of the applicant's rights. UNDT found that there was no evidence of discrimination against the applicant and that the selection did not suffer from procedural errors such as to vitiate the outcome of the process. The application was dismissed.

Decision Contested or Judgment/Order Appealed

The applicant appealed the decision not to select him for a P-5 level post of a Senior Programme Budget Officer, alleging that he was not given full and fair consideration for the post and that the vacancy announcement improperly deviated from the generic job profile in that it did not require ten years of experience.

Legal Principle(s)

Vacancy announcement and generic job profile: Requirements differing from those expressed in a generic job profile which are seen as necessary or desirable for the particular post are permitted, provided that the drafters of the vacancy announcement are not influenced by extraneous or ulterior motives when drafting the job requirement. Full and fair consideration: Staff members have a right to be fully and fairly considered for promotion through a competitive selection process untainted by improper factors. Scope of UNDT's review: Generally, UNDT will not

substitute its decision for that of the Administration in the discretionary matters of appointment and promotion, but UNDT may examine whether the selection process was carried out in an improper, irregular or otherwise flawed manner and assess whether the resulting decision was tainted by undue considerations or was manifestly unreasonable. Designation to perform significant functions: The evaluation and selection of applicants under ST/AI/2006/3 and the provision of clearance to perform significant functions under ST/SGB/2005/7 are distinct and separate processes. A documented record of the designation process must exist.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Liarski

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2009/111

Tribunal

UNDT

Registry

New York

Date of Judgement

26 Jul 2010

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Staff selection (non-selection/non-promotion)

Full and fair consideration

Selection decision

Applicable Law

Secretary-General's bulletins

Related Judgments and Orders

UNDT/2009/045

UNDT/2009/047

UNDT/2009/048

UNDT/2010/065

UNDT/2010/095