

UNDT/2010/153, Verschuur

UNAT Held or UNDT Pronouncements

An interview panel set up by a Programme Manager is the Programme Manager's agent and as the principal, the Programme Manager is bound by the evaluation and recommendations of the panel in so far as the panel does not exceed its mandate. When a head of department having a final say in the making of a selection decision influences the outcome of an interview process and report, the resultant selection process has been unduly interfered with and its integrity compromised. It does not lie within the discretionary authority or prerogative of the Administration to evaluate both 30-day and 60 day mark candidates together.

Decision Contested or Judgment/Order Appealed

Applicant was a Programme Management Officer with the Regional and Technical Division of UN Habitat. On 2 August 2007, a vacancy announcement for the post of Chief, Programme Support Section was advertised. The Applicant applied and was an eligible candidate, but the said vacancy announcement was cancelled and then re-advertised on 17 December 2008. Upon applying for the re-advertised post, the Applicant was short listed and interviewed by an interview panel. The panel produced a written report of the interviews and recommended five out of the six candidates for the position. Applicant was one of the five recommended candidates. Upon receiving the list, the Executive Director of UN Habitat advised that the list of recommended candidates be pared down. As a result, the panel made a second recommendation of only two candidates. The Applicant was one of the three recommended candidates who were dropped from the first list of recommended candidates; hence his application to the Tribunal that the process used to select pre-approved candidates who were placed on an internal roster for future vacancies was manipulated. It was contended that the said manipulation resulted in a violation of his right to a full and fair consideration of his application to the post.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Application succeeded and Respondent was ordered to pay Applicant the equivalent of six months' net base salary compensation

Full judgment

[Full judgment](#)

Applicants/Appellants

Verschuur

Entity

UN-Habitat

Case Number(s)

UNDT/NBI/2009/04

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

26 Aug 2010

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Interview

Applicable Law

Administrative Instructions

- ST/AI/2006/3

Related Judgments and Orders

UNDT/2010/002