

UNDT/2010/154, Contreras

UNAT Held or UNDT Pronouncements

An agency relationship exists between an interview panel and a Programme Manager or Program Case Officer, such that the Programme Manager is bound by the evaluation and recommendations of the panel provided that it acts within its terms of reference. The Administration had no prerogative or power to cancel the vacancy announcement for the reasons relied upon.

Decision Contested or Judgment/Order Appealed

Applicant was a Senior Programme Management Officer in the Global Division of UN Habitat. On 2 August 2007, a vacancy announcement for the post of Chief, Programme Support Services was advertised, to which the Applicant applied. On 16 November 2007, the Applicant was reassigned to the Regional and Technical Cooperation Division of UN Habitat. The vacancy announcement was subsequently cancelled and re-advertised on 17 December 2007, to which Applicant applied, was short listed and interviewed. The interview report sent to the Executive Director, UN-Habitat included the Applicant's name as one of the five recommended candidates. Upon the request of the Executive Director, the interview panel revised its report and pared the list of five recommended candidates down to two. Applicant was not recommended to the post and was not placed on the roster for future vacancies with a similar description, hence the application before the Tribunal that the process for rostering of candidates was manipulated, violating her right to a full and fair consideration of her application to the post.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Respondent was ordered to pay Applicant six months' net base salary as compensation as well as the requested token sum of USD1 for injury suffered in the recruitment process.

Full judgment

[Full judgment](#)

Applicants/Appellants

Contreras

Entity

UN-Habitat

Case Number(s)

UNDT/NBI/2009/05

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

26 Aug 2010

Duty Judge

Judge Izuako

Language of Judgment

French

English

Issuance Type

Judgment

Categories/Subcategories

Remedies

Compensation (see also, Compensation)

Staff selection (non-selection/non-promotion)

Full and fair consideration

Interview

Discretionary authority

Applicable Law

Administrative Instructions

- ST/AI/2006/3

UNDT Statute

- Article 10.5