

# **UNDT/2011/034, Kamal**

## **UNAT Held or UNDT Pronouncements**

The Applicant's criticism, that staff members with a vested interest in the process because they were unsuccessful in the promotion exercise procured the Staff Union resolution, is not a criticism that should be directed towards the Respondent's managers, but is rather a matter for the Staff Union. Staff member's right to a decision in a timely manner: The Respondent's approach to resolving this matter indicated a lack of urgency and sensitivity towards the legitimate expectations and feelings of the Applicant. Outcome: The UNDT awarded compensation of USD10,000 for emotional distress and anxiety suffered. All other pleas were rejected.

## **Decision Contested or Judgment/Order Appealed**

The Applicant filed an appeal concerning the circumstances surrounding her promotion to the P-5 level.

## **Legal Principle(s)**

Actions of the Staff Union: Where management receives strong representations from a Staff Union or its Staff Council, they have a duty to take note of any legitimate concerns. Staff members, particularly those who have been recommended for appointment, are entitled to a decision in a timely manner. The Tribunal found that the delay was unconscionable.

## **Outcome**

Judgment entered for Applicant in full or in part

## **Full judgment**

[Full judgment](#)

## Applicants/Appellants

Kamal

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2010/026/UNAT/1657

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

18 Feb 2011

## Duty Judge

Judge Meeran

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Appointment (type)

Compensation

Non-pecuniary (moral) damages  
Staff selection (non-selection/non-promotion)

## Applicable Law

### Administrative Instructions

- ST/AI/2002/1
- ST/AI/2006/3

### GA Resolutions

- A/RES/63/253

### Secretary-General's bulletins

- ST/SGB/2009/11

### UNDT Statute

- Article 10.5

## Related Judgments and Orders

2010-UNAT-042

2010-UNAT-070