

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