

UNDT/2011/051, Mills-Aryee

UNAT Held or UNDT Pronouncements

i. Prima facie unlawfulness: The Tribunal found that prima facie unlawfulness had been established because the Applicant identified anomalies in the processes used by UNON. ii. Particular urgency: The Tribunal noted that the selection decision had been communicated to the selected candidate by UNON before the Applicant filed her application. As the contested decision had been implemented, the element of particular urgency had not been met. iii. Irreparable damage: The Tribunal found that the Applicant established irreparable damage in that there would be harm to her reputation and career prospects, both within and outside of the United Nations as a result of the contested decision.

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of UNON, sought suspension of action of the decision not to select her for the post of Chief, Procurement Section, UNON at the P-5 level.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Outcome Extra Text

In light of the fact that the Applicant was unable to establish the element of “particular urgency”, the application for suspension of action was rejected.

Full judgment

[Full judgment](#)

Applicants/Appellants

Mills-Aryee

Entity

UNON

Case Number(s)

UNDT/NBI/2011/010

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

11 Mar 2011

Duty Judge

Judge Boolell

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Abuse of authority

Staff selection (non-selection/non-promotion)

Suspension of action / interim measures

Particular urgency

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Information Circulars

UNDT RoP

- Article 13

UNDT Statute

- Article 2