

UNDT/2011/159, Charles

UNAT Held or UNDT Pronouncements

UNDT held that the decision not to select the Applicant was appropriately reviewed by the JAB panel and therefore proper. UNDT held that the requirement of relevant experience was appropriate and necessary for this particular vacancy and that the selection process was conducted in a proper manner. UNDT held that the JAB panel addressed the appropriate legal principles and that, in applying those principles to the facts of the case, it asked the correct questions and considered the appropriate authorities. UNDT held that the Applicant failed to satisfy it that there was any material irregularity in the proceedings before the JAB, such as to call into question its conclusions. UNDT held that there was no substance in the Applicant's allegation that there was an actual or perceived conflict of interest in the selection process. UNDT held that the copying of the two legal officers into certain correspondence was standard practice within the unit. UNDT held that the application failed and dismissed it in its entirety.

Decision Contested or Judgment/Order Appealed

The Applicant contested the Organization's alleged failure to grant him full and fair consideration for a post. He alleged that, had he been given such consideration and been subject to a competency-based interview, he would have had a fair and equal chance of satisfying the selection panel of his ability to perform the duties in question.

Legal Principle(s)

Procedural fairness is an important principle in employment relations designed to ensure transparency in the decision-making process. It is also intended to guard against the manipulation of selection criteria and or, alternatively, the imposition of criteria that are not truly job-related in order to confer an unfair advantage on a

favoured candidate.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Charles

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2010/023/ UNAT/1643

Tribunal

UNDT

Registry

New York

Date of Judgement

8 Sep 2011

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)
Full and fair consideration

Applicable Law

Administrative Instructions

- ST/AI/2002/4

Staff Regulations

- Regulation 4.2

UN Charter

- Article 101.3

Related Judgments and Orders

2012-UNAT-242