

UNDT/2012/044, Willis

UNAT Held or UNDT Pronouncements

Categories of candidates: The staff selection system established in ST/AI/2006/3/Rev.1 was based on a rigid hierarchy of three categories of candidates in terms of priority consideration: 15, 30 and 60-day mark candidates. If a candidate belonged to a priority category he or she was excluded from the less priority ones. Internal, non-internal and external candidates: ST/AI/2006/3/Rev.1 distinguished between: (1) internal candidates, strictly defined in section 1; (2) non-internal candidates, comprising staff members who did not fall within this definition; and (3) external candidates, those completely exterior to the Organization, i.e., non-staff members. This distinction did not correspond to the classification as 15, 30 and 60-day candidates. Scope of mobility requirement: The application of section 5.3 of administrative instruction ST/AI/2006/3/Rev.1 was not limited to internal candidates. This provision imposed a mobility requirement upon “staff members in the Professional category”, with no further restrictions. Outcome: Application rejected on the merits

Decision Contested or Judgment/Order Appealed

The Applicant was considered as ineligible for consideration for promotion to the P-5 level as he did not have the two lateral moves required by section 5.3 of ST/AI/2006/3/Rev.1, in force at the relevant time. He contends that such requirement applied to internal candidates only, which he was not since his appointment was limited to UNCTAD. However, the Tribunal found that the above-mentioned section 5.3 applied to all staff members in the Professional category, regardless of their contractual status, and that the delay in informing him of the contested decision did not warrant compensation.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Willis

Entity

UNCTAD

Case Number(s)

UNDT/GVA/2011/026

Tribunal

UNDT

Registry

Geneva

Date of Judgement

1 Apr 2012

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2006/3/Rev.1

Related Judgments and Orders

UNDT/2009/022

UNDT/2009/084

UNDT/2010/065

UNDT/2010/086

UNDT/2011/171

UNDT/2012/018