

UNDT/2015/035, Garcia Iglesias

UNAT Held or UNDT Pronouncements

The Tribunal noted that, in fact, the selection procedure for the post had never been completed: a revised vacancy announcement (VA) for the same post was later re-advertised and the recruitment process was still pending. The Tribunal considered that the second VA was a continuation of the same selection process, for which a final decision had still to be made, hence the application was rejected as irreceivable as it was premature.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision to find her ineligible for a position she had applied for, hence excluding her from the next steps of the selection process.

Legal Principle(s)

Determination of ineligibility of a candidate for a vacancy: The decision to consider a staff member, who applied for a position, as ineligible based on the requirements stated in the vacancy, is in the context of an ongoing selection exercise for which no final decision has yet been made only a preparatory decision; therefore, it is not tantamount to a final and individual administrative decision directly affecting that staff member's rights, and any challenge of that decision before the Tribunal is to be considered premature.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Garcia Iglesias

Entity

UNLB

Case Number(s)

UNDT/GVA/2014/25

Tribunal

UNDT

Registry

Geneva

Date of Judgement

1 May 2015

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Staff selection (non-selection/non-promotion)

Applicable Law

UNDT Statute

- Article 2.1

Related Judgments and Orders

2013-UNAT-304

2011-UNAT-173

2015-UNAT-509

2014-UNAT-460

2014-UNAT-410

2015-UNAT-503

2011-UNAT-152