

# UNDT/2015/114, Singh

## UNAT Held or UNDT Pronouncements

The UNDT found that, although the JO was canceled and re-issued, there were still outstanding relief claims for adjudication, therefore, the application was not moot. The UNDT rejected the Applicant's request for removal of the Representative of the Secretary-General ("RSG") for the Investments of the UNJSPF from the recruitment process, finding that this request pertained to the re-issued job opening. The UNDT rejected the Applicant's request to refer the case for accountability and his claims for legal costs and moral damages. The application was dismissed.

## Decision Contested or Judgment/OrderAppealed

The Applicant, a D-1 level staff member in the United Nations Joint Staff Pension Fund ("UNJFPS"), contested the decision to include as one of the requirements in the job opening for an advertised D-2 level post that candidates must hold Chartered Financial Analyst ("CFA") certification.

## Legal Principle(s)

Compensation: Not every violation will necessarily lead to an award of compensation. Compensation may only be awarded if it has been established that the staff member actually suffered damages. The party who suffered damages from a breach of her or his rights also has a duty to mitigate their losses. Amended claims: Just as the Tribunal cannot adjudicate cases involving decisions of a changing nature, it will also not allow the parties to continuously amend their substantive claims and claims for relief throughout the course of the proceedings. It is the responsibility of the party advancing any specific claim to clearly identify at the outset of the litigation process the contested administrative decision, pertinent issues, and heads of relief sought.

## Outcome

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Singh

## Entity

UNJSPF

## Case Number(s)

UNDT/NY/2015/21

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

20 Nov 2015

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Compensation  
Referral for accountability  
Staff selection (non-selection/non-promotion)

## Applicable Law

UNDT Statute  
UNRWA DT Statute

- Article 10.8

## Related Judgments and Orders

UNDT/2011/012  
UNDT/2012/118  
UNDT/2012/149  
UNDT/2012/178  
UNDT/2014/056  
2010-UNAT-049  
2010-UNAT-092  
2010-UNAT-095  
2012-UNAT-201  
2012-UNAT-254  
2013-UNAT-285  
2014-UNAT-445  
2014-UNAT-460