

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/Order Appealed

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