

# UNDT/2017/012, Chhikara

## UNAT Held or UNDT Pronouncements

The Tribunal granted the application in part and awarded the Applicant USD4,000 in compensation for procedural violations.

## Decision Contested or Judgment/Order Appealed

The Applicant, a Chief Aviation Safety Officer with a fixed-term appointment at the P-5 level, step 9, in MONUSCO, contested the decision not to shortlist him for an interview during the selection process for the post of Chief of the Air Transport Section at the D-1 level in DFS, New York.

## Legal Principle(s)

Written test: Scoring/rating methods for assessing the candidates must be established before the posting of the job opening and not be changed during the selection process. Pre-screening questions: If eliminating/pre-screening questions are applied in a selection process, these must form part of the job opening and be approved by OHRM or by DFS prior to the posting as required in secs. 4.6 and 4.7 of ST/AI/2010/3. The selection decision: The head of the department/office must select the candidate he or she considers to be best suited for the functions taking into account the Organization's human resources objectives and targets as reflected in the departmental human resources action plan, especially with regard to geography and gender. It clearly results that the selection decision must include all the reasons why a certain recommended candidate was selected and do not represent a simple act of approval of the preferred candidate indicated by another person involved in the assessment of the candidates. The hiring manager and/or the panelists have no competence to decide the preferred candidate(s), but only to recommend the best candidate(s). Even if the selection decision of the head of the department coincides with the proposal made by the hiring manager, the head of the department always has to justify his/her selection decision.

## Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Only financial compensation

Full judgment

[Full judgment](#)

Applicants/Appellants

Chhikara

Entity

MONUSCO

Case Number(s)

UNDT/NY/2016/45

UNDT/NY/2016/45/R1

Tribunal

UNDT

Registry

New York

Date of Judgement

6 Mar 2017

Duty Judge

Judge Greceanu

Judge Adda

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Staff Regulations

- Regulation 4.2
- Regulation 4.3

UNDT RoP

- Article 7.1
- Article 7.2
- Article 7.3

UNDT Statute

- Article 2.1
- Article 3.1
- Article 8.1